

2025:PHHC:025931



CR-6992-2023

-1-

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

225

CR-6992-2023

Date of decision:21.02.2025

DHARAMPAL SINGH

...PETITIONER

VS.

USHA RANI JAWA AND OTHERS

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Davinder Pal Soni Jaura, Advocate
for the petitioner.

Mr. Sanchit Punia, Advocate
for respondent No.1.

None for respondent No.2, despite service.

SUVIR SEHGAL J. (ORAL)

1. Instant revision petition has been filed under Article 227 of the Constitution of India for setting aside impugned order dated 06.10.2023, passed by the learned Additional Civil Judge (Senior Division), Hisar, whereby an application filed by respondent No.1/defendant No.1 under Order 7 Rule 11 read with Section 151 CPC, has been accepted.

2. Counsel for the petitioner/plaintiff contends that plaintiff had filed a civil suit claiming compensation of Rs.18,85,000/- for causing damages to his residential house and for permanent injunction restraining



CR-6992-2023

-2-

respondent No.1/defendant No.1 from raising the construction. Counsel submits that on an application filed by respondent No.1, the Court has directed the petitioner to deposit ad valorem court fee on the amount claimed in the suit. He submits that as the amount claimed was tentative, the Trial Court erred in passing of the impugned order.

3. Mr. Sanchit Punia, Advocate has put in appearance on behalf of respondent No.1 and has filed Vakalatnama, which is taken on record. He has placed reliance upon a judgment dated 20.07.2023 passed by the Coordinate Bench of this Court in ***Sunita Jain Vs. M/s P.L. Steel Industries and others, Law Finder DOC ID #2332515.***

4. I have heard counsel for the parties and considered their respective submissions.

5. The short issue, which has arisen in the petition, is whether the plaintiff is bound to deposit the requisite court fee on the amount claimed in the suit. This question has been answered by a Coordinate Bench in ***Sunita Jain's case*** (supra) by making the following observations:-

“9. In any case, whenever the plaintiff files a money suit for recovery either as damages or otherwise his assessment is approximate or tentative which is subject to the final determination by the Court. The liability to pay the court fee at the time of filing of the suit is not dependent upon the final determination by the Court. The court fee is payable on the amount claimed in the suit. Once the plaintiff has tentatively assessed the amount sought to be



recovered in a money suit, Clause (i) of Section 7 of the 1870 Act, gets attracted. This is what has been explained in Advocate Radhey Sham’s case (supra), S.R.Laddhar’s case (supra), Risal Singh’s case (supra) and Gurdyal Singh alias Gurdial Singh’s case (supra).”

6. It has been decided by a Coordinate Bench of this Court by holding that where a money suit for recovery either of damages or otherwise has been filed and the assessment is approximate, which is subject to the final decision of the Court, it is the liability of the plaintiff to deposit the court fee at the time of filing of the suit. The court fee deposited would not be dependant upon the final determination by the Court. It has been clearly observed that once the plaintiff has tentatively assessed the amount sought to be recovered in a money suit, Clause (i) of Section 7 of the Court Fee Acts, 1870, applies and the plaintiff has to deposit the court fee on the amount claimed by him. There is no infirmity or illegality in the order passed by the Trial Court.

7. Petition being devoid of merit, is dismissed with no order as to costs.

21.02.2025
sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No