



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

123

CR-2226-2026

Date of Decision:10.03.2026

OM STERLING GLOBAL UNIVERSITY

... Petitioner

Versus

POONAM KATIYAL AND ANOTHER

.. Respondents

CORAM : HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Sanchit Punia, Advocate
for the petitioner.

AMARINDER SINGH GREWAL, J. (ORAL)

1. The petitioner, who is the plaintiff before the learned Trial Court, has filed the present civil revision petition assailing the order dated 02.02.2026 (Annexure P-4) passed by the learned Trial Court, whereby the application filed by defendant No.1 under Order VII Rule 11 of the Code of Civil Procedure, 1908 seeking rejection of the plaint has been allowed.
2. For the sake of convenience, the parties shall be referred to as per their status before the learned Trial Court.
3. In brief, the facts are that the plaintiff instituted a suit seeking damages of Rs. 1,50,00,000/- on account of defamation, alleging that the defendants during the months of September and October 2021 posted false, malicious, fake and vexatious allegations against the petitioner–plaintiff on various social media platforms including Facebook, WhatsApp and Twitter. It has been alleged that such postings were made knowingly and intentionally with the object of maligning the reputation of the petitioner–plaintiff and amounted to personal accusations and character assassination, thereby causing serious harm to its reputation. Hence, the present civil suit.



4. Upon notice in the said suit, the defendant no.1 appeared and filed an application under Order VII Rule 11 of the Code of Civil Procedure, 1908 seeking rejection of the plaint. It was contended that the suit was devoid of any cause of action and was barred by law. It was further submitted that the plaintiff had claimed damages to the tune of ₹1,50,00,000/-, however, the requisite ad valorem court fee had not been affixed on the plaint and, therefore, the plaint suffered from deficit court fee. On these grounds, it was prayed that the plaint filed by the plaintiff be rejected.

5. Upon notice of the application, the plaintiff filed a reply controverting the averments made by the defendants in the application under Order VII Rule 11 CPC and prayed that the same be dismissed.

6. After hearing learned counsel for the parties, the learned Trial Court vide order dated 02.02.2026 allowed the application filed by defendant No.1 under Order VII Rule 11 CPC and held that the plaint suffered from deficiency of ad valorem court fee. Accordingly, the plaintiff was directed to deposit the requisite ad valorem court fee on the amount of ₹1,50,00,000/- within 14 days, placing reliance upon the judgment of the Hon'ble Supreme Court in *State of Punjab and others vs. Dev Brat Sharma, 2022 LiveLaw (SC) 292.*

7 Aggrieved thereby, the petitioner has filed the present revision petition challenging the legality and jurisdiction of the impugned order.

8. Learned counsel for the petitioner has assailed the impugned order dated 02.02.2026 passed by the learned Civil Judge (Junior Division), Hisar, primarily on the ground that the learned Trial Court has erred in directing the petitioner-plaintiff to affix ad valorem court fee on the amount claimed. It is contended that the present suit is one for damages on account of defamation, which is a claim for unliquidated damages, and the amount of damages is



neither predetermined nor capable of precise calculation at the initial stage. According to the petitioner, such damages can only be determined after appreciation of evidence during trial and, therefore, the direction to pay ad valorem court fee at the threshold is legally unsustainable. It is further contended that the learned Trial Court failed to appreciate that under Section 7 of the Court Fees Act, 1870 the valuation of the suit for damages falls within the prerogative of the plaintiff, subject to determination by the learned Court at an appropriate stage. It has also been argued that the learned Trial Court has erroneously treated the present suit for defamation as a money recovery suit, whereas a suit for defamation is essentially a tort action wherein the damages are assessed only after adjudication of the matter on merits. On these premises, it is prayed that the impugned order dated 02.02.2026 passed by the learned Civil Judge (Junior Division), Hisar, be set aside. Reliance has also been placed upon the judgments of this Court in ***Maha Singh vs. Mukesh and another, Civil Revision No.5478 of 2019 decided on 01.04.2019; Kashmir Singh vs. Mandeep Kaur and others, Civil Revision No.6759 of 2018 decided on 05.10.2018; Amandeep Sidhu vs. M/s Ultratech Cement and others, Civil Revision No.5893 of 2016 decided on 15.09.2016; State of Punjab and others vs. Jagdip Singh Chowhan, Civil Revision No.2933 of 2004 decided on 14.10.2004; and Subhash Chander Goel vs. Harvind Sagar, Civil Revision No.2785 of 2001 decided on 21.02.2003.***

9. In the facts and circumstances of the case, this Court is of the view that the present revision petition can be disposed of without issuing notice to the respondents, as the matter lies in a narrow compass and no prejudice would be caused to the respondents.

10. The principal contention raised on behalf of the petitioner is that the present suit being one for damages on account of defamation involves unliquidated damages, and therefore the petitioner–plaintiff was not required to



affix ad valorem court fee at the stage of institution of the suit. However, the said contention cannot be accepted in the facts and circumstances of the present case.

11. A perusal of the impugned order dated 02.02.2026 (Annexure P-4) shows that the learned Trial Court has passed a well-reasoned order while allowing the application under Order VII Rule 11 CPC. The learned Trial Court observed that the petitioner–plaintiff, through clever drafting of the plaint, attempted to give a different colour to the nature of the suit. In paragraph No.15 of the plaint, it has been stated that due to the alleged acts of the defendants, admission of 50 students stood cancelled, resulting in loss to the plaintiff. Further, in paragraph No.20 of the plaint, the petitioner–plaintiff has specifically claimed a sum of ₹1,50,00,000/- (Rupees One Crore Fifty Lakhs only) as unliquidated damages for the alleged loss of reputation. These pleadings were rightly noticed by the learned Trial Court, which held that the plaintiff, having quantified the damages, cannot avoid payment of the requisite ad valorem court fee merely by describing the claim as one for unliquidated damages for the alleged loss of reputation. It is settled that unliquidated damages are those whose amount cannot be determined in advance and are assessed by the Court upon appreciation of evidence. However, in the present case, the petitioner–plaintiff has himself quantified the claim at ₹1.50 crore, thereby giving the suit the character of a money claim. Once the damages are specifically quantified in the plaint, the plaintiff cannot avoid payment of the requisite ad valorem court fee merely by describing the claim as one for unliquidated damages. Accordingly, the plea raised by the petitioner is misconceived, and the learned Trial Court has rightly rejected the same and the judgments relied upon by the petitioner–plaintiff are clearly distinguishable on facts and do not lend any



support to the case of the petitioner; hence, the same are not applicable to the facts of the present case.

12. In ***Sarabjit Singh vs. M/s Dream Reality Movies and others***, CR-5382 of 2025 decided on 12.08.2025, this Court held that in a suit for damages, the plaintiff is not required to pay ad valorem court fee only in cases where the amount of damages has not been specifically quantified in the prayer or relief clause of the plaint. However, where the amount of damages is clearly specified, the plaintiff is bound to pay the requisite court fee in accordance with law. Similarly, in ***Nahani vs. Sri Pal, CR-6255 of 2025 decided on 11.09.2025***, this Court observed that the Court must be vigilant against clever drafting of pleadings designed to evade the statutory requirement of payment of ad valorem court fee, and that litigants cannot be permitted to do indirectly what the law requires them to do directly. The aforesaid principle also finds support from the judgment of the Hon'ble Supreme Court in ***State of Punjab vs. Dev Brat Sharma, Civil Appeal No.2064 of 2022 decided on 16.03.2022***, wherein in paragraphs 20 and 21 it has been held that once a suit is in the nature of a money suit for compensation and damages falling under clause (i) of Section 7 of the Court Fees Act, the plaintiff is required to pay ad valorem court fee on the amount claimed.

13. It is trite that procedure established by law must be followed in letter and spirit, and a litigant cannot bypass the statutory requirement relating to court fee. As the well-known legal maxim states, "*Dura lex sed lex*" — the law is hard, but it is the law. The plaintiff, before instituting the suit, is required to comply with the statutory provisions governing valuation and court fee, and cannot attempt to circumvent the same by adopting drafting techniques which defeat the mandate of law. Such conduct unnecessarily burdens the judicial process and results in wastage of the precious time of the Court.



14. In view of the above discussion and the settled position of law, this Court is of the considered opinion that the learned Trial Court has rightly directed the plaintiff to affix the requisite ad valorem court fee, and no illegality or perversity can be found in the order dated 02.02.2026 passed by the learned Civil Judge (Junior Division), Hisar.

15. Accordingly, finding no merit in the present revision petition, the same is dismissed.

16. Pending miscellaneous applications, if any, also stand disposed of.

March 10, 2026
anil

(AMARINDER SINGH GREWAL)
JUDGE