

2026:PHHC:070769



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

**CR-3317-2023 (O&M)
Decided on:-06.05.2026**

Kharati Lal

....Petitioner..

vs.

Smt. Shakuntala @ Kavita and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Satish Garg, Advocate and
Ms. Saumya, Advocate,
for the petitioner.

Mr. Nishant, Advocate for
Mr. Amit Chaudhary, Advocate,
for respondent No.1.

HARKESH MANUJA J. (Oral)

1. By way of present revision petition, challenge has been laid to an order dated 20.04.2023 (Annexure P-3) passed by the learned Additional Civil Judge (Senior Division), Hisar, whereby, an application preferred at the instance of petitioner-defendant No.1 under Order VII Rule 11 CPC seeking rejection of plaint filed at the instance of respondent No.1-plaintiff, stands dismissed.

2. Briefly stating, respondent No.1-plaintiff filed a suit for recovery against the petitioner-defendant No.1(husband) while alleging harassment at his instance and thus, claimed Rs.2 crores as damages (tentatively assessed). Relevant paragraph No.7 from the plaint is

reproduced hereunder:-

“7. That the above act of the defendants has caused too much cruelty to the plaintiff. This cruelty is assessed tentatively to Rs.2 crores or the amount which would be assessed by this Hon’ble Court.”

2.1 Upon notice, the petitioner-defendant No.1 appeared before the learned trial Court and moved an application under Order 7 Rule 11 of the CPC, to submit that once a tentative assessment of damages to the tune of Rs.2 crores was made by the respondent-plaintiff in her plaint, she was supposed to affix ad-valorem court fee on the said amount in terms of Section 7(i) of the Court Fee Act, 1870 (for short, 1870 Act). The application filed by the petitioner-defendant No.1 was opposed at the instance of respondent No.1-plaintiff. The learned trial Court vide order dated 20.04.2023, dismissed the application filed by the petitioner-husband. Hence, the present revision petition.

3. I have heard learned counsel for the parties and gone through the paper book.

4. In the present case, a perusal of averments of plaint filed at the instance of respondent No.1-plaintiff clearly shows that the amount of damages as claimed in the suit has been assessed though tentatively to the tune of Rs.2 crores. In such circumstances, once the assessment was made by the respondent-plaintiff in her plaint, she was supposed to deposit the ad-valorem court fee at least on the said amount in terms of Section 7(i) of the 1870 Act. Mere fact that the word “tentative” was pleaded in the plaint would not absolve the respondent-plaintiff from the liability to affix the court fee on the said tentative figure of damages as pleaded and claimed

specifically in the plaint. In support, reliance can be placed upon the judgment passed by this Court in **CR-2326-2017** titled as “**S.R. Laddhar v. Mohan Nagpal and others**”, reported as **2023(1) RCR(Civil) 361**. Relevant paragraphs 9 and 10 thereof are reproduced hereunder:-

“9. A perusal of the relevant portion from the plaint reproduced herein above, clearly shows that a specific claim of Rs.20 lacs as damages has been made therein. However, it is only while fixing value of the suit for the purposes of jurisdiction and Court fee, it has been tentatively assessed at Rs.20 lacs and Court fee of Rs.50/- has been affixed. Once the amount of damages claimed has been specifically quantified in the plaint, Court fee was required to be affixed on that specified amount. On the contrary, allowing any such affixation of Court fee as claimed by the respondent No.1, would amount to a conscious departure from the mandate of Section 7 (i) of the Act which clearly enjoins affixation of Court fee according to the amount claimed. 10. In the facts and circumstances of the present case, the value of the suit for the purposes of jurisdiction and Court fee for the relief of recovery of damages, tentatively assessed as Rs.20 lacs has to be understood that the respondent at least excepts and claims damages to the tune of Rs.20 lacs though not certain about the final determination which, no doubt, shall always be subject to final determination by the Court, based on the evidence led by the parties. To the same effect are the observations made by this Court in *Sunita Rani and another v. State of Punjab and others*, 2015 (3) PLR 580; *Jai Bhagwan Goel v. Harjeet Kaur and others*, 2020 (1) RCR (Civil) 936; and *Kushalpal Singh and others v. Fortis Healthcare Limited and others*, 2020 (2) PLR 243 and relevant paragraphs of the same are reproduced hereunder for reference:

"Para 15 of Sunita Rani's case

15. A perusal of the plaint filed by the petitioners in the present case shows that not only specific amount of Rs.8 lacs has been claimed as compensation, but even for the

purpose of jurisdiction and court fee, the suit has been valued at Rs.8 lacs. Hence, to state that the court fee at a lesser tentative amount is payable is totally misconceived. There is no error in the order passed by the learned Court below. Both the petition are, accordingly, dismissed. However, the petitioners shall be at liberty to deposit requisite court fee on or before 31.08.2015."

"Para 10 of Jai Bhagwan Goel's case

10. In view of prayer for damages having been made to the extent of a specified amount, the case is squarely covered by the decision in Ranjit Kaur's case (Supra) for whether the plaintiff succeeds in claiming the amount of Rs.20 lakhs or not, is not to be gone into at the time of deciding the question whether proper Court fee has been affixed. The plaintiff may or may not succeed in getting the amount claimed but it is for him to establish his loss and affix Court fee thereon as it is well-settled that Court fee has to be determined on the basis of the entire reading of the plaint. Therefore, in terms of section 7 (i) of the Court Fees Act, 1870, the plaintiff is liable to pay ad valorem court fee on the amount as claimed by him."

"Paras 11 & 12 of Kushalpal Singh's case

11. On the other hand, in a 'money suit' for damages or compensation, obviously the plaintiff has already claimed a specific amount as damages and therefore, for her/him to first say that he/she is seeking a particular amount by way of damages but then to thereafter say that, nevertheless, for the purpose of 6 of 10 valuation of the suit the damages are to be taken to be less than even 1% of what he actually seeks, would be a completely illogical paradox, in the opinion of this court. Hence, once the plaintiff has chosen to seek damages for a specific quantified amount of money, he cannot then be seen to avoid paying court fee on that amount, by simply making an averment that for the purpose of court fee the suit would be valued at a far lesser amount.

12. However, in a situation where the wording of the plaint was to the effect that the plaintiff seeks damages of only Rs.1,00,000/-, but leaves it to the discretion of the court to grant any higher amount after evidence is led, without specifying that amount at all, thereby leaving it entirely discretion to the court, then he may be required to pay court fee only according to the specific amount as claimed, and if the court for any reason, after due application of judicious mind, finds

that a higher amount of compensation is to be awarded, then at that stage a higher amount could be awarded subject to payment of court fee on such higher amount.

In the present case, however, the petitioner- plaintiffs have actually asked for damages/ compensation of a specific amount of Rs.2,00,00,000/-, and therefore, they cannot be seen thereafter to whittle down the value of the relief sought, by simply adding a line to the effect that however a tentative compensation of a notional amount of Rs.1,00,000/- may be taken as the 'suit value' for the purpose of jurisdiction and court fee, even in a suit seeking damages/ compensation."

5. In view of the aforesaid discussion, the order dated 20.04.2023 passed by the learned Additional Civil Judge (Senior Division), Hisar, is hereby set aside. Application is allowed and the respondent No.1-plaintiff is directed to deposit ad-valorem court fee on the amount of damages specified in the plaint in terms of Section 7(i) of the 1870 Act within one month from today.

6. Pending applications, if any, also stand disposed of.

06.05.2026
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(HARKESH MANUJA)
JUDGE

(i) Whether speaking/reasoned: Yes/No (ii) Whether reportable: Yes/ No