



CR No.2725 of 2022

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IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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Civil Revision No.2725 of 2022  
Date of decision: January 20<sup>th</sup>, 2026

Simranjit Singh

.....Petitioner

Versus

Rohit Arora and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Sachin Kalia, Advocate  
for Mr. R.S. Bajaj, Advocate  
for the petitioner.

Mr. Bijender Pal, Advocate  
for the respondents.

**VIKAS BAHL, J. (ORAL)**

1. This is a civil revision petition under Article 227 of the Constitution of India for setting aside the order dated 07.04.2022 (Annexure P-4) passed by the Civil Judge (Junior Division), Jalandhar, vide which the application filed by respondent No.1 has been allowed.

2. The petitioner had filed a suit with the following prayers:

*“Suit for issuance of permanent injunction restraining the defendants or their agents, attorneys, representatives, servants etc. from interfering int the peaceful life of the plaintiff by making any illegal and frivolous demands of money and from issuing any threats to the plaintiff in order to coerce the plaintiff to shell out any money which is not due and payable by the plaintiff to the defendants and further restraining the defendants from creating any nuisance within a radius of 500 Mtrs of H.No.37, Kailash Nagar, Sodal Road, Jalandhar and business premises situated at Sodal Mandir Lane Opp. Aggarwal Building, Sodal Road, Jalandhar for extorting any*



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*money from the plaintiff.*

*And*

*For issue of Mandatory Injunction directing the defendants to stay 500 meters beyond the radius of residential H.No.37, Kailash Nagar, Sodal Road, Jalandhar and business premises situated at Sodal Mandir Lane Opp. Aggarwal Building, Sodal Road, Jalandhar and from creating any nuisance within 500 meters of the vicinity of the said properties of the plaintiff.*

*AND*

*For a decree of rendition of accounts directing the defendants to submit their alleged lawful claims, demands, if any, against the plaintiff duly supported with relevant documents to substantiate the same for adjudication of the same by the Hon'ble Court.*

*AND*

*Suit for recovery of Rs.20,00,000/- or any other amount that may be determined by the Hon'ble Court on account of damages for defamation and injuring the reputation and goodwill of the plaintiff by leveling false and defamatory allegations against the plaintiff.”*

3. One of the prayers made was for recovery of money on account of damages suffered by the plaintiff. An application under Order VII Rule 11 CPC was filed for rejection of the plaint on the ground that the petitioner/plaintiff was claiming recovery of ₹20 lakh and the Court fee of only ₹250 had been affixed and the plaintiff/petitioner was bound to affix *ad valorem* Court fee. The said application was opposed by the petitioner/plaintiff.



4. The trial Court vide order dated 07.04.2022 allowed the said application and granted opportunity to the petitioner/plaintiff to make good the deficient Court fee and further observed that in case the same is not done, then the suit will be liable to be rejected. While passing the order, trial Court had relied upon the judgment of the Hon'ble Supreme Court in the case of ***State of Punjab Versus Dev Brat Sharma*** reported as ***2022 (13) SCC 221***, the relevant portion of which is reproduced hereinbelow:

*“7.Computation of fees payable in certain suits. – The amount of fee payable under this Act in the suits next hereinafter mentioned shall be computed as follows: -*

*for money.- (i) In suits for money (including suits for damages or compensation, or arrears of maintenance, of annuities, or of other sums payable periodically) – according to the amount claimed.*

.....

*(iv) In suits –*

*for movable property of no market-value.*

*-(a) for moveable property where the subjectmatter has no market-value, as, for instance, in the case of documents relating to title,*

*to enforce a right to share in joint family property. – (b) to enforce the right to share in any property on the ground that it is joint family property,*

*for a declaratory decree and consequential relief. - (c) to obtain a declaratory decree or order, where consequential relief is prayed,*

*for an injunction. – (d) to obtain an injunction,*

*for easements. – (e) for a right to some benefit (not herein otherwise provided for) to arise out of land, and*

*for accounts. - (f) for accounts- according to the amount at which the relief sought is valued in the plaint or*



*memorandum of appeal;*

*In all such suits the plaintiff shall state the amount at which he values the relief sought;*

*.....”*

*20. The moot question for consideration is whether the suit in question as framed was a money suit for compensation/damages falling under Clause (i) of Section 7 or was a suit falling in any of the categories specified in clause (iv) of Section 7 of the Act. A reading of the relief clause would make it abundantly clear that this was a money suit for compensation/damages and not falling under any of the categories mentioned in clause (iv) of Section 7 of the Act. Therefore, there would be no question at all for the applicability of Section 7(iv) of the Act. It would be a simple case of applicability of Section 7(i) of the Act and ad valorem Court-fees would have to be paid as per Schedule 1 entry 1.*

*21. It is only with respect to the category of suits specified in clause (iv) of Section 7 of the Act that the plaintiff has the liberty of stating in the plaint the amount at which relief is valued and Court-fees would be payable on the said amount. Liberty given under clause (iv) to the specific suits of six categories is not available to the suits falling under any other clause, be it (i), (ii), (iii) etc. Once the suit in question was a money suit for compensation and damages falling under clause (i) of Section 7 of the Act, ad valorem Court-fees would be payable on the amount claimed.”*

5. A perusal of the above judgment would show that the Hon’ble Supreme Court had observed that where the suit in question as framed was a money suit for compensation/damages falling under Clause (i) of Section 7, then in such a case there would be no question at all of applicability of



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Section 7(iv) of the Court Fees Act and *ad valorem* Court fee would have to be paid as per Schedule 1 entry 1. The principle of law laid down in the above case would also apply in case one of the relief sought is in the form of money suit for recovery of amount on account of damages, as otherwise every unscrupulous litigant in order to avoid payment of *ad valorem* Court fee would make other additional prayer. In the present case, it could not be disputed that one of the prayers made in the suit was for recovery of money on account of damages and thus, the law laid down in the abovesaid judgment of the Hon'ble Supreme Court is applicable in the present case and the petitioner is liable to pay *ad valorem* Court fee, as held by the trial Court. No contrary judgment has been cited on behalf of the petitioner.

6. Learned counsel for the petitioner has submitted that in the said circumstances, since a stay order was granted by a coordinate Bench of this Court to the effect that the trial Court be directed to give a date beyond the date fixed by this Court, the petitioner has not deposited the Court fee as ordered vide the impugned order. It is prayed that the petitioner be granted one month's time to deposit the same.

7. The Hon'ble Supreme Court in the case of ***Shalini Shyam Shetty and another Vs. Rajendra Shankar Patil*** reported as (2010) 8 Supreme Court Cases 329, had observed that the High Courts cannot, at the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or courts inferior to it. Nor can it, in exercise of this power, act as a court of appeal over the orders of court or tribunal subordinate to it. It was also observed in the said judgment



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that a statutory amendment with respect to Section 115 of the Civil Procedure Code does not and cannot cut down the ambit of High Court's power under Article 227 but at the same time, it must be remembered that such statutory amendment does not correspondingly expand the High Court's jurisdiction of superintendence under Article 227. The power of interference under this Article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court. It was also observed that the power under Article 227 may be unfettered but its exercise is subject to high degree of judicial discipline.

8. Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that the impugned order does not call for any interference by this Court while exercising its powers under Article 227 of the Constitution of India and accordingly, the impugned order is upheld and the present revision petition being meritless, deserves to be dismissed and is dismissed. However, while dismissing the revision petition, the petitioner is granted one month's time to deposit the Court fee as ordered vide the impugned order dated 07.04.2022.

**January 20<sup>th</sup>, 2026**  
*Puneet*

**(VIKAS BAHL)**  
**JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes