



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-3842-2026

Date of decision: 07.05.2026

Gurdas Singh

. . . . Petitioner

Vs.

Gursehaj Singh

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr.P.K.S. Phoolka, Advocate, for the petitioner.

DEEPAK GUPTA, J.

The present revision petition has been directed against the order dated 03.02.2026 (*Annexure P-1*) passed by the learned Additional Civil Judge (Senior Division), Bathinda, whereby the application filed by the defendant-petitioner under Order VII Rule 11 CPC seeking rejection of the plaint on the ground of deficient court fee was dismissed and the defendant was granted one final opportunity to file written statement.

2. Learned counsel for the petitioner contends that the plaint itself discloses that the respondent-plaintiff has claimed damages to the extent of ₹5,00,000/- and, therefore, ad valorem court fee was mandatorily payable at the time of institution of the suit. It is argued that mere use of the expression that damages are "*to be assessed by the Court*" would not absolve the plaintiff from payment of proper court fee. According to counsel, the plaint being insufficiently stamped was liable to be rejected under Order VII Rule 11 CPC and the trial Court has committed jurisdictional error in refusing the said prayer.

3. I have heard learned counsel for the petitioner and have gone through the impugned order as well as the material available on record.

4. The controversy involved in the present revision petition lies in a narrow compass, namely, whether in a suit for damages on account of alleged defamation, where compensation is yet to be judicially assessed, the plaint can

be rejected at the threshold under Order VII Rule 11 CPC for alleged deficiency of court fee.

5. A perusal of the plaint (*Annexure P-2*) shows that the plaintiff has asserted a claim for damages arising out of alleged defamatory acts and has tentatively valued the suit at ₹5,00,000/- for the purposes of jurisdiction, while simultaneously pleading that the actual amount recoverable is liable to be determined by the Court upon adjudication of evidence.

6. It is well settled that in suits claiming unliquidated damages, particularly in actions founded on tort such as defamation, malicious prosecution or compensation for civil wrongs, the precise amount recoverable cannot always be predetermined at the time of institution of the suit. The determination of actual damages depends upon appreciation of pleadings, evidence, extent of injury to reputation, social standing, consequences suffered and other attendant circumstances. In such matters, the valuation initially furnished by the plaintiff is often tentative and subject to final adjudication by the Court.

7. The scope of Order VII Rule 11 CPC is limited and the power of rejection of plaint is a drastic one, which can be exercised only where the defect is apparent on the face of the plaint itself and is incapable of being cured. Even in cases of deficit court fee, the scheme of the Code and the Court Fees Act contemplates grant of opportunity to make good the deficiency before resorting to rejection of plaint. Unless the Court arrives at a definite conclusion that the valuation is arbitrary or deliberately illusory and the plaintiff, despite opportunity, fails to correct the valuation or pay the requisite fee, rejection of plaint would not ordinarily be warranted.

8. The learned trial Court has rightly observed that the question regarding adequacy of court fee can appropriately be examined at a later stage and, if any deficiency is ultimately found, the plaintiff can always be directed to make good the same before the decree is drawn. The impugned order further protects the interest of the revenue by specifically keeping the issue of court fee open for adjudication at the final stage.

9. This Court also does not find any jurisdictional error, material irregularity or perversity in the exercise of discretion by the trial Court warranting interference in revisional jurisdiction. The revisional power under Section 115 CPC is supervisory and not appellate. Interference is justified only where the subordinate Court has exercised jurisdiction not vested in it, failed to exercise jurisdiction vested in it, or acted with material illegality or perversity. None of these contingencies arise in the present case.

10. Rather, the impugned order reflects a balanced approach inasmuch as the application under Order VII Rule 11 CPC has been dismissed while simultaneously preserving the defendant’s right to raise all permissible objections at the appropriate stage and directing the plaintiff to pay any additional court fee, if found payable upon adjudication.

11. The order granting one effective opportunity to file written statement also does not suffer from any illegality, particularly when the trial Court has exercised discretion in the interest of substantial justice.

12. Consequently, finding no merit in the present revision petition, the same is hereby dismissed. The observations made hereinabove shall, however, not be construed as an expression on the merits of the controversy pending before the trial Court. The trial Court shall remain at liberty to determine the issue of valuation and adequacy of court fee independently at the appropriate stage in accordance with law.

13. Pending miscellaneous applications, if any, shall also stand disposed of.

07.05.2026
Vivek

(DEEPAK GUPTA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>