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

CR-1506-2024 (O&M)

Date of Decision : 23.09.2025

CHARAN SINGH AND ORS

.... Petitioners

VERSUS

RANJIT KAUR AND ANR

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Vidushi Kumar, Advocate for the petitioners.

Mr. Krishan Singh Dadwal, Advocate for respondent No.1.

ALKA SARIN, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India impugning the order dated 16.02.2024 (Annexure P-5) passed by the learned Additional Civil Judge (Senior Division), Hoshiarpur whereby the application filed by the defendants No.1 to 4-petitioners herein under Order 7 Rule 11 CPC for rejection of the plaint was dismissed.

2. Brief facts relevant to the present *lis* are that the plaintiff-respondent No.1 herein filed a suit for recovery of ₹1,00,00,000 (rupees one crore) tentatively as damages for malicious prosecution along with interest @ 12% per annum from the date of filing the suit till its realization. An application was filed by the defendants No.1 to 4-petitioners herein under Order 7 Rule 11 CPC for rejection of the plaint on the ground that court fee had not been affixed. The said application, after hearing both the parties, was dismissed vide order dated 21.08.2019. The said order attained finality

inasmuch as the same was not challenged by the defendants No.1 to 4-petitioners herein. Subsequently, an issue was framed on 10.02.2020 being issue No.4 as to whether the suit is not properly valued for the purpose of court fee and jurisdiction. After the completion of the plaintiff-respondent No.1's evidence, a second application (Annexure P-3) was filed by the defendants No.1 to 4-petitioners herein for rejection of the plaint again on the ground that proper court fee had not been affixed. The said second application was also dismissed vide impugned order dated 16.02.2024. Hence, the present revision petition by the defendants No.1 to 4-petitioners herein.

3. Learned counsel for the defendants No.1 to 4-petitioners would contend that since there was change in law, the second application under Order 7 Rule 11 CPC for rejection of the plaint was filed.

4. *Per contra*, learned counsel for the plaintiff-respondent No.1 would contend that once the application under Order 7 Rule 11 CPC, on the same very ground, was dismissed vide order dated 21.08.2019, which order was not challenged by the defendants No.1 to 4-petitioners herein and the same attained finality, the second application on the same ground was not maintainable.

5. Heard.

6. In the present case, admittedly, the first application under Order 7 Rule 11 CPC for rejection of the plaint on the ground that *ad valorem* court fee had not been affixed was dismissed vide order dated 21.08.2019. Subsequently, an issue was also framed on 10.02.2020 being issue No.4 as to whether the suit is not properly valued for the purpose of court fee and

jurisdiction. Thereafter, after the evidence of the plaintiff-respondent No.1 was closed, the present second application was filed under Order 7 Rule 11 CPC for rejection of the plaint on the ground that the Hon'ble Supreme Court in the case of '**State of Punjab & Ors. V/s Dev Brat Sharma [2022 (2) RCR (Civil) 464]**' has laid down that in a suit for recovery as damages, *ad valorem* court fee would be payable on the amount of damages claimed. It is apt to note that the said judgment was passed on 16.03.2022 however, the present second application was filed in the year 2024 after the evidence of the plaintiff-respondent No.1 was closed. As of today, the matter is fixed for arguments. In view of the fact that the earlier application filed by the defendants No.1 to 4-petitioners herein under Order 7 Rule 11 CPC for rejection of the plaint on the ground that *ad valorem* court fee had not been affixed stood dismissed and the said order attained finality having not been challenged, the present second application itself was not maintainable. An issue with regard to the same has already been framed.

7. In view of the above, I do not find any merit in the present revision petition and the same is dismissed accordingly. Pending applications, if any, also stand disposed off.

8. Needless to say, any observations made herein shall not be treated as an expression of opinion on the merits of the case.

23.09.2025
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No