



IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

136

CR-1977-2025

Date of Decision: 01.04.2025

GAGANDEEP SINGH AND ORS

.....Petitioners

Vs

DILMOHAN SINGH AND ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Savreet Singh Brar, Advocate
for the petitioners.

DEEPAK GUPTA, J.

Petitioners herein are the plaintiffs in Civil Suit bearing CIS No. CS/31/ 2024 titled as 'Gagandeep Singh and Others Vs. Dilmohan Singh and another' pending before the learned Additional Civil Judge (Senior Division), Jaitu, District Faridkot.

2. Petitioner are aggrieved by the order dated 04.03.2025 (*Annexure P-4*) passed by the trial Court, whereby they have been directed to pay *ad valorem* Court fee on the amount of ₹24 lakh as claimed in the suit, otherwise their plaint was held to be liable for rejection. The said order was passed on an application moved by the defendants-respondents under Order VII Rule 11 CPC.

3. It is contended by learned counsel that petitioners had sought decree for declaration regarding their entitlement to the amount of ₹24 lakh as penalty on account of breach of terms and conditions of the agreement to sell and so, there was no requirement to pay the *ad valorem* Court fee.

4. There is no merit in the contention.

5. Annexure P-2 is the copy of the plaint, the head note of which is as under:-

"Suit for declaration to the effect that the plaintiff is entitled to recover Rs. 24,00,000/- as penalty from the defendants as per terms and conditions of the



agreement to sell dated 13.07.2021 along with interest @ 2% P.M. from the date of agreement till realization with a consequential relief in the shape of mandatory injunction thereby directing the respondents to make payment of Rs.24,00,000/- as penalty from the defendants as per terms and conditions of the agreement to sell dated 13.07.2021 alongwith an interest @ 2% P.M. from the date of agreement till realization.”

6. It is quite evident from the above said head note that suit of the plaintiffs-petitioners is for recovery of ₹24 lakh and to direct the respondents to pay the said amount along with interest. It is clear that under the garb of suit for declaration and mandatory injunction, plaintiffs-petitioners want the decree for recovery.

7. In these circumstances, learned trial Court did not commit any error in directing the petitioners-plaintiffs to pay the *ad valorem* Court fee on the claimed amount.

No merit. Dismissed.

(DEEPAK GUPTA)
JUDGE

01.04.2025

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Whether speaking/reasoned : Yes
Whether reportable : No