

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CR-190-2025 (O&M)****Date of Decision : 25.09.2025**

Smt. Sumedha Trivedi alias Sumedha Dixit ... Petitioner

Versus

Smt. Chetna Trivedi and Others ... Respondents

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Vijay Deep Rathee, Advocate for the petitioner.

**ALKA SARIN, J. (Oral)**

1. Present revision petition has been filed challenging the order dated 04.12.2024 (Annexure P-6) whereby the application filed by the petitioner herein under Order VII Rule 11 of the Code of Civil Procedure, 1908 has been dismissed.

2. Briefly stated the facts relevant to the present *lis* are that the plaintiff-respondent No.1 herein filed a suit for declaration to the effect that as per last wish of Late Sh. Akhilesh Trivedi (hereinafter referred to as the 'deceased') vide e-mail dated 18.12.2022, plaintiff-respondent No.1 was entitled to succeed to 50% share in the estate left behind by the deceased including ex-gratia amount of ₹64,73,848/- approximately and that plaintiff-respondent No.1 is also a custodian of the balance 50% share till the daughter of the deceased attains the majority as well as for permanent injunction. It has been averred in the plaint that the son of plaintiff-respondent No.1, namely, Akhilesh Trivedi (deceased) was working on the post of Assistant Manager in CRPC RBI Chandigarh. He committed suicide on 18.12.2022 at RBI's flat due to mental trauma and mental harassment at the hands of his wife, namely,

Sumedha Trivedi, who is the petitioner herein. In the message, which the deceased is stated to have sent before committing suicide, he specifically named his wife Sumedha Trivedi (petitioner herein) as the person who caused him mental trauma, forcing him to commit suicide. It was further stated in the message that after his death his mother and daughter shall be equally eligible for due compassionate amount from the Bank and that his mother would be the guardian of his daughter till she attains the age of 18 years. The prayer in the suit was for a declaration that as per the last wish of the deceased based on e-mail dated 18.12.2022, plaintiff-respondent No.1 was entitled to succeed to 50% estate of the deceased and that she was also the custodian of the daughter of the deceased till she attains the majority and was also custodian of her balance 50% share. A perusal of the plaint reveals that there is no prayer for recovery of the said amount and it is a simpliciter declaration which has been sought. An application was filed by the petitioner herein under Order VII Rule 11 CPC for rejection of the plaint on the ground that proper court fee has not been affixed. Reply was filed to the said application. Vide the impugned order, the said application has been dismissed.

3. Learned counsel for the petitioner would contend that since the amount of ex-gratia payment has been quantified and therefore by way of clever drafting the plaintiff-respondent No.1 cannot escape the liability of affixing the court fee.

4. Heard.

5. In the present case the plaintiff-respondent No.1 has filed a simpliciter suit for declaration for being declared entitled to succeed to the estate of the deceased on the basis of e-mail dated 18.12.2022 sent by the deceased prior to committing suicide as also for a declaration that she is custodian of 50% of the share of the daughter of the deceased. The declaration sought is as per the last wish of the deceased, which has been stated in the e-mail sent by him prior to committing suicide. In the email the deceased is said

to have stated that his wife was responsible for causing mental trauma forcing him to commit suicide and that his mother and daughter would be entitled to 50% share each of the ex-gratia amount to be received from the Bank. A perusal of the plaint reveals that it is not a suit for recovery of the said amount. It is only a suit for declaration based on the e-mail dated 18.12.2022. The Court is only being called upon to grant a declaration as to whether in terms of the e-mail sent by the deceased before committing suicide, his mother and daughter would be entitled to 50% share each of the ex-gratia amount. It is not a claim for damages or for recovery of any amount. In view thereof, the suit being simpliciter for declaration, Section 7(iv)(c) of the Court Fees Act, 1870 would be applicable. As per the said provision in a case for declaratory decree and consequential relief, in all such suits the plaintiff is to state the amount at which he values the relief and court fees is to be paid accordingly. In para 12 of the plaint it has been stated that court fee of ₹200/- has been affixed for the declaration sought and ₹140/- for the permanent injunction sought. On a meaningful reading of the plaint, it cannot be said that the suit is for recovery of the amount.

6. In view thereof, no fault can be found with the impugned order. The present revision petition being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

25.09.2025  
jk

( ALKA SARIN )  
JUDGE

NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO