
(1989) 05 P&H CK 0108
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 911 of 1989

Shri Banarsi Lal

APPELLANT

Vs

Shri Kishan Chand and Others

RESPONDENT

Date of Decision : 18-05-1989

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 115
Punjab Court Fees Act, 1870 — Section 7

Citation : (1990) 97 PLR 439

Hon'ble Judges : M.S. Liberhan, J

Bench : Single Bench

Advocate : Ravinder Seth, for the Appellant; Nemo, for the Respondent

Final Decision : Dismissed

Judgement

M.S. Liberhan, J.—The petitioner has impugned the order of the Additional Senior Subordinate Judge, Rohtak, dated 4.3.1989 directing the respondent to pay Court fee on the value of his share which the petitioner himself estimated at Rs. 40,000/-.

2. In short, the facts giving rise to the controversy with respect to payment to court fee are that the plaintiff filed a suit for dissolution of partnership and rendition of accounts and assessed his due share at Rs. 40,000/-but for the purpose of Court fee and jurisdiction, the value was assessed at Rs. 2,000/- though a relief amounting to Rs. 40,000/- at least was claimed by the plaintiff.

3. The trial Court directed the plaintiff petitioner to affix Court fee on the value of Rs. 40,000/- in terms of Section 7(f) of Punjab Court Fees of Act, and in view of the law laid down in Meenakshisundaram Chettiar Vs. Venkatachalam Chettiar, . The learned counsel for the petitioner contends that since it is a suit for dissolution of partnership and for rendition of accounts and since no value can be ascertained to which the plaintiff shall be found entitled in the eventuality of the suit being decreed the suit has been correctly valued for purposes of Court fees.

I find no force in the contention raised by the learned counsel for the petitioner as it has been categorically observed in Meenakshisundaram's case (supra) that in suit for accounts, the plaintiff is required to state the amount at which he values the relief sought. Though it is not possible for the plaintiff to estimate correctly the amount to which he is entitled to, yet it is necessary that the amount at which he values the relief sought be a reasonable estimate, it was further observed that if the Court, on the materials available, is satisfied that the suit has been undervalued by the plaintiff, the plaint is liable to be rejected. The plaintiff cannot arbitrarily and deliberately undervalue the relief.

4. Herein undisputedly the plaintiff himself put the valuation of the relief sought in his suit to an approximate amount of Rs. 40,000/-. In view of this he cannot be permitted to turn round and say that for the purpose of Court fee and jurisdiction, the value of the relief ascertained approximately would be less than the one stated by him in the plaint.

5. In view of my above observation, the facts and circumstances of this case are squarely covered by the ratio laid down in Meenakshisundaram's case (supra). I find no force in the revision petition and the same is dismissed with no order as to costs. The deficiency in Court fees may be made good within two months.