

**Appeal against order passed in (2005-1)139 PLR 650 (p&h).**

SUPREME COURT OF INDIA

*B.S. Chauhan, J. Dipak Misra, J.*

STATE OF PUNJAB - Appellant (s)

Versus

JAGDIP SINGH CHOWHAN &amp; ORS. - Respondent(s)

CIVIL APPEAL NO(s). 3987 OF 2006

29.05.2012

**court fees Act, 1870 (7 of 1870) Section 7(i) , 7(iv) - In a suit for malicious prosecution, ad valorem court fee is payable. (2005-1)139 PLR 650 (P&H), reversed.**

*For Appellant(s) Mr. Kuldip Singh, Adv. Mr. Jagjit Singh Chhabra, Adv. For Respondent(s) Mr. Dhananjai Jain, Adv. Mr. Randhir Singh Jain, Adv. Mr. Sandeep Chaturvedi, Adv. Mr. Ugra Shankar Prasad, Adv. Mr. Satinder S. Gulati, Adv. Mrs. Kamal dut Gulati, Adv. Dr. Kailash Chand, Adv.*

ORDER

The present appeal is directed against the order dated 14.10.2004 passed by the learned Single Judge of the High Court of [punjab and haryana](#) in C.R.No.2933/2004 whereby the High Court has permitted the plaintiffs-(respondent herein) to pay the court fee on the tentative evaluation of the suit for the purpose of court fees.

It is worth noting, for the said purpose the suit was valued at Rs.1,43,000/- though a decree was sought for Rs.Two Crores approximately. There can be no dispute that in a suit for malicious prosecution, ad valorem court fee is payable. Faced with this situation, the learned counsel for the respondent No.1 could only state that he [will](#) file an application for amendment before the trial Court either restricting his claim to the amount on which the court fee has been paid or may enhance the claim beyond the said amount and will pay the ad valorem court fee on the same. Recording such statement of respondent No.1, we set aside the order passed by the learned Single Judge and grant him liberty to file the requisite amendment to bring the plaint in order.

The appeal is accordingly disposed of with no order as to costs.

No tags for this post.