

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

FMAT(MV)/3/2025

Shri E. Jagan Kumar

Vs.

M/s. Raj Coaching Centre

Ms. Anjil Nag, Sr. Adv.

Mr. Adarsh Ilango. Adv. for the appellant

Mr. KM Sheheer ... for the respondent

Mr. Shatadru Charkaborty, Sr.Adv.

Mr. Rakesh Kumar for the Administration

March 18, 2025
[SR]
Item No.6

1. The appeal is admitted.
2. This appeal is preferred against an order of the Motor Accident Claim Tribunal rejecting the claim of the petitioner under order 7 Rule 11(c) of the CPC for non-payment of proper court fees/stamp duty.
3. Ms. Anjili Nag, learned senior counsel appearing on behalf of the appellant has referred to a decision of Punjab & Haryana High Court in Meena and others vs. Kanwarjit Singh and others in First Appeal from the Order No.38 of 1985 decided on 28th November, 2007 in which in paragraph 12, the learned Single Judge was of the view that in view of section 110 A of the Motor Vehicles Act, 1939 which requires a petition to be filed claiming compensation, there is no requirement to pay ad valorem court fees.
4. Prima facie, an arguable case is made out by the petitioner.

5. The learned Tribunal is directed to dispose of the matter on merits subject to an undertaking by the petitioner of payment of appropriate court fees irrespective of the outcome of the said proceeding.

6. In the event it is found that an *ad valorem* court fee is payable on the amount claimed towards compensation, the appellant, upon depositing the said amount would be entitled to the benefit of the award, if passed in favour of the appellant, in the said proceeding.

7. The learned advocate for the respondent has supported Ms. Nag, in her contention that no *ad valorem* fee is required for an application under section 110A corresponding to section 166 of Motor Vehicles Act, 1988. Since it relates to revenue of the State, an Affidavit is called for from the Administration clarifying the issue on the point. The state shall file the affidavit within two weeks from date.

8. The matter shall be listed before the next available Circuit Bench after the period for filing of affidavit is over, subject to the convenience of the Bench.

(Soumen Sen, J.)