

**CR-5095-2026 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****159****CR-5095-2026 (O&M)
Date of decision: 07.07.2026****Punjab National Bank**

....Petitioner

Vs.

K.L. Malhotra and others

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGERPresent: Mr. Akaant Kumar Mittal, Advocate
for the petitioner.

HARSH BUNGER J. (Oral)

1 Petitioner-Punjab National Bank (defendant No.1 and 2 in the suit) has filed the present civil revision petition under Article 227 of the Constitution of India, seeking setting aside of the order dated 24.02.2026 (Annexure P-2) passed by learned Additional District Judge, Rohtak, whereby an order dated 22.07.2025 (Annexure P-1) passed by learned Civil Judge (Junior Division), Rohtak, rejecting the plaint submitted by respondent No.1 (K.L. Malhotra) under Order 7 Rule 11 CPC; has been set aside.

2. Briefly, the respondent No.1/plaintiff filed a suit against the petitioner-Punjab National Bank and others seeking relief of unliquidated damages for defamation. In the suit, it was pleaded that plaintiff was the Legal Retainer of the Punjab National Bank and conducted various cases on

**CR-5095-2026 (O&M)****-2-**

its behalf. It was stated that various bills of the plaintiff were pending for payment in the Branch Office, Model Town, Rohtak. It was stated that upon representations made to the D.G.M, the Chief Manager of the Circle Office was pleased to write a letter dated 27.09.2011 for the payment of the bills of the plaintiff, however, no payment was made.

2.1 In the plaint, plaintiff gave details of various suit/cases filed by him on behalf of Punjab National Bank subsequent to the year 2011, along with the letter written by him seeking release of his payments, however, plaintiff claimed that no payment was made. It is further averred in the suit that the plaintiff took up the matter with the higher authorities of the bank whereupon, a meeting dated 07.10.2023 was held in the Circle Office and the bank officials were advised to make the payment to the plaintiff, however, still the D.G.M Circle Office, Rohtak did not make the payment.

2.2 The plaintiff by citing various instances, made following averment in para No.18 of the plaint:

“That due to the aforesaid conspiracy, defamatory statements, acts and conduct of defendants Nos. 2 to 6, on the basis of which malicious acts and conduct have been imposed upon the plaintiff by the said defendants, the plaintiff has been defamed in the eyes of his colleagues, friends, neighbours, acquaintances and the general public at large. The plaintiff's reputation and esteem have been lowered in the estimation of such persons. Every person who has come to know of the said frivolous and baseless allegations and defamatory language used by the defendants has formed an adverse impression. The defendants have committed such defamatory acts knowing fully

**CR-5095-2026 (O&M)****-3-**

well that the statements are false and will harm the plaintiff's reputation. In fact, such statements have actually harmed the reputation and prestige of the plaintiff. Due to these defamatory statements in writing, the plaintiff has faced great harassment and loss of mental peace, for which the defendants are bound to compensate him."

2.3. Thereafter, on 02.11.2024, the plaintiff served a notice upon the defendants in the suit and filed a suit for damages.

3. The petitioner-bank, appeared in the suit and filed two applications before the learned Trial Court, namely:-

- (i) an application (IA No.2 dated 15.05.2025) under Section 113 of Limitation Act, 1963 read with Section 151 of CPC for rendition of accounts and mandatory injunction along with maintenance of record by banks for 8 to 10 years; and
- (ii) an application (APP-210-2025) under Order 7 Rule 11 CPC seeking rejection of plaint.

3.1 Both the aforesaid applications filed on behalf of the petitioner-bank were contested by the respondent No.1/plaintiff.

3.2 The learned Trial Court upon consideration of the matter allowed both the aforesaid applications submitted on behalf of the petitioner-bank and rejected the suit/plaint of the plaintiff vide order dated 22.07.2025 (Annexure P-1), primarily on the following two grounds:-

- (a) that the suit of the plaintiff is not maintainable being without a valid cause of action; and
- (b) that the suit of the plaintiff was barred by law of limitation.

**CR-5095-2026 (O&M)****-4-**

4. Feeling aggrieved against the aforesaid order dated 22.07.2025 (Annexure P-1), the respondent No.1-plaintiff filed an appeal before the learned Additional District Judge, Rohtak, which has been allowed vide impugned judgment dated 24.02.2026 (Annexure P-2), whereby the order dated 22.07.2025 (Annexure P-1) passed by learned Trial Court has been set aside and the parties have been directed to present themselves before the learned Trial Court.

5. In the aforementioned circumstances, present civil revision petition has been filed before this Court.

6. Learned counsel appearing for the petitioner-bank submits that the suit filed by respondent No.1/plaintiff was time barred and also that there was no cause of action in his favour to institute the suit. He further submits that the learned Trial Court had rightly rejected the suit of the respondent No.1/plaintiff, however, the learned First Appellate Court has gravely erred in passing the judgment dated 24.02.2026 (Annexure P-2), thereby setting aside the learned Trial Court's order dated 22.07.2025 (Annexure P-1).

7. I have heard the learned counsel for the petitioner and perused the paperbook with his able assistance.

8. Apparently, the petitioner-bank sought rejection of plaint filed by respondent No.1/plaintiff on two grounds i.e. (i) the suit is barred by limitation; and (ii) that the plaint does not disclose any cause of action in favour of the plaintiff.

9. Here it would be apposite to state that for dealing with the application under Order 7 Rule 11 CPC, it is only the averments made in the

**CR-5095-2026 (O&M)****-5-**

plaint and the documents produced along with the plaint, which are required to be seen and the defence of defendants cannot be looked into.

9.1 A perusal of the order dated 22.07.2025 (Annexure P-1) passed by learned Trial Court would show that it has gone into some detail as regards the plea of defamation which has been raised by respondent No.1/plaintiff in its suit and returned a finding that the same do not tantamount to cause the defamation and furnish any right to sue, therefore, there is no valid cause of action in favour of respondent No.1/plaintiff. Learned Trial Court further held that since plaintiff was aware of the defamatory letter in the year 2023, therefore, suit filed in the year 2025 is time barred.

10. In my considered view, the very approach of learned Trial Court in dealing with an application under Order 7 Rule 11 CPC was flawed. It is well-settled that while deciding application under Order 7 Rule 11 CPC, conducting a mini trial is impermissible in law. Hon'ble Supreme Court in ***“P.V. Guru Raj Reddy v. P. Neeradha Reddy And Others”*, (2015) 8 SCC 331**, held that the rejection of plaint under Order 7, Rule 11 is a drastic power conferred on the Court to terminate a civil action at the threshold. Therefore, the conditions precedent to the exercise of the power are stringent and when a plaintiff claims that he gained knowledge of the essential facts giving rise to the cause of action only at a particular point of time, the same has to be accepted at the stage of considering the application under Order 7, Rule 11.

**CR-5095-2026 (O&M)****-6-**

11. In the present case, although the learned Trial Court vide order dated 22.07.2025 (Annexure P-1) had rejected the plaint, however the learned First Appellate Court, has set aside the learned Trial Court's order dated 22.07.2025 (Annexure P-1) by observing as under:-

“12. Both the applications presently impugned by the judgment of the learned Trial Court is regarding the question of limitation in filing of the present suit and since the stage is of deciding such application, it is only the plaint averments that has to be considered by the court. Apparently, the initial paragraphs of the plaint are containing the background in which plaintiff a senior Advocate of District Bar Association, Rohtak became the Panel Advocate from the past years of Punjab National Bank. He had been handling the various litigations, for which, he was so appointed as Panel Advocate. The success or failure of his cases in which he represented the bank is not much material, for which reason, these paragraphs does not find much relevancy to be mentioned here. However, it is then the specific cases and the bills pertaining to the Advocates Fee that became in dispute between the plaintiff, the Panel Advocate of the bank and the defendants-PNB itself. There are number of paragraphs in the plaint again detailing as what all meetings, progress, proceedings, exchange of letters takes place between the two sides on the same question of payment of the fees of the Panel Advocate and how and in what fashion for manner, it was denied for its payment. The amount of the pending bill is also not much of relevancy presently and it is only to be understood from the contents of the plaint that it is a suit for damages (Civil Damages). There is specific mention of the recent time meetings, exchange of letters held between the parties wherein certain objectionable word allegedly used

**CR-5095-2026 (O&M)****-7-**

by the PNB Managerial staff members against the plaintiff over the same dispute of payment of the bills for the litigation of the PNB, for which, plaintiff represented as the Panel Lawyer in the cases in the courts. However, it is the primary pleadings of the plaintiff that certain abusive language used against him, for which, he claims defamation of his reputation, prestige, his humiliation, disturbing mental peace. There are correspondence, on the basis of which, he alleges that time and again he was asked the basic formal supply of documents like confirmation of he being a Panel Advocate or the bills from him of the particular cases mentioned by him, when plaintiff has pleaded that these were not very relevant as the entire record had already been in the possession of the defendants and one such process used was only to defame him and to mentally harass him. The correspondence referred by the plaintiff in the plaint are to the dates of the recent time of 02.11.2024 and preceding period and his suit for damages filed on 08.01.2025. On perusal of these relevant dates, the question of limitation if challenged by the defendants as a defence, then as per the judgments mentioned above, it surely falls under the square of being a question of fact and law and reading the contents of the plaint, it cannot be outrightly mentioned that the suit is hopelessly time barred. Even if there may be in the opinion of any person, long pleadings mentioned in the plaint still the entire pleadings cannot be squarely conveyed as fictitious, illusory or vexatious as there are relevant paragraphs where the cause of action as arising in favour of the plaintiff or the background of he now filing the suit for civil defamation have been mentioned. It is now the question in what prayer clause, the plaint has been filed. As per the title, it is the relief of unliquidated damages and the court fees paid is Rs.5300/-.



CR-5095-2026 (O&M)

-8-

While there is a common desire by a litigant if seems so that it makes the court decide "fair value of once reputation" but the legal principle in India and the law of jurisprudence is that it is the plaintiff who should specify the value for the claim at the time of its filing. In Sruti Goenka v. Dhirendra Pandey, 2018 AHC 182349, however, the central question in this revision was slightly different and the question was if the plaintiff could file a suit for damages (defamation) without paying the full advalorem court fee on the amount claim and it was held that there is a mandatory valuation under Section 7 (1) and the fee payable in the suit for money/damages must be computed according to the amount claimed by the plaintiff and in such like case, no nominal fees for specified damages could be filed as such. In the present case, the total amount of damages not directly prayed by the plaintiff in the title of the suit or in the prayer clause. However, there is a payment of court fees of Rs.5300/-, by which, the amount if any assessed by the learned Trial Court at the final stage of adjudication, then the appropriate amount for which court fees of Rs.5300/- already paid is still found maintainable.

13. The second application decided in the impugned judgment by the learned Trial Court is under Article 113 (mentioned as Section 113) of Limitation Act, 1963 read with Section 151 of CPC for rendition of accounts and mandatory injunction along-with maintenance of record by banks for 8 to 10 years. This Article is the "residuary clause" of the Limitation Act and it states that for any suit where no specific period of limitation is provided elsewhere in the schedule, the period of limitation is three years from where the right to sue accrues. This application in its contents are over lapping with the first application of Order 7 Rule 11 CPC of the same defendants.



Here again, it is reiterated that the court will not reject the plaint on direct applications of Article 113 of Limitation Act, 1963 and Order 7 Rule 11 CPC. On the plain reading of the plaint if it is clear and obvious that the suit is barred by limitation and if there is a mixed question of fact and law then the court will usually led the court proceed to the trial. By invoking Section 151 CPC in the same application, the defendants have filed for mandatory injunction and the maintenance record by the bank for 8-10 years by using the "inheritant powers" of the court, by which, the defendants is trying to ensure that the old bank records (which might prove of any payment paid or that the claim of the plaintiff is false) are not destroyed by the bank under the standard "record retention policies which is usually 5-10 years. It is again reiterated that a suit can be rejected under Order 7 Rule 11 CPC based on the limitation arguments in certain circumstances but the application for bank records/injunction is a procedural safety measures and does not lead to the rejection of the suit. By the reading of the contents of the plaint, it is reasserted that the question of payment or non-payment dispute between the parties regarding the Panel Advocate Fees as to be paid by the defendants to the plaintiff had been agitated among them and these are certain meetings, exchange of letters that is disclosed in the plaint to be taking place within the past one year of filing of the suit, which has become the basis of filing suit for civil defamation by payment of a small amount of court fees amounting to Rs.5300/- and on the basis of these pleadings, it becomes a question of fact and law to be decided on merits and not by outrightly rejecting the plaint as observed by the learned Trial Court in the impugned order. The defence is within its legal right to raise objections of limitation or cause of action

**CR-5095-2026 (O&M)****-10-**

not arising, for which, appropriate issues can be framed because presently for decision of application under Order 7 Rule 11 CPC, it is the contents of the plaint only to be perused and on the basis of the same, there is a description of cause of action and the question of limitation is to be decided by record of evidence.”

12. I have gone through the observations made by the learned First Appellate Court in the above-extracted order dated 24.02.2026 (Annexure P-2) and I see no reason to differ from the same.

12.1 Indeed, the suit filed by the respondent No.1/plaintiff is for civil damages and the plaintiff has referred to various instances, meetings, exchange of letters between the parties wherein certain objectionable words allegedly used by the managerial staff members of the petitioner-bank against the plaintiff (over the dispute concerning payment of bills, in respect of litigation wherein plaintiff had been engaged as Panel Counsel), have been referred. It has been primarily the plea of the plaintiff that certain abusive language was used against him for which he claims defamation of prestige, humiliation and for disturbing mental peace. In the suit, there is a reference to the correspondence of recent times up to 02.11.2024, which is preceding the date of filing of suit for damages i.e. 08.01.2025. It is also made out from the contents of the 2 applications (as noticed above) filed by the petitioner-bank that their contents are overlapping with each other, which would require evidence to be led by the respective parties.

12.2 In my considered view, cause of action is duly pleaded in the plaint (although in some detail) and issue of limitation being a mixed



CR-5095-2026 (O&M)

-11-

question of law and fact, therefore, answer to the same would depend upon evidence to be led before the learned Trial Court.

13. Whether the acts alleged in the plaint amount to defamation or not, would be again a mixed question of facts and law, which can only be decided after the parties lead evidence.

14. In view of the above discussion, I find no merit in the present civil revision petition and the same is accordingly *dismissed*.

15. All the pending application(s), if any, shall also stand closed.

07.07.2026
Ankit

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No