

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No.2990 of 2008
Date of decision : 19.08.2015

Major Mehar Singh (Retd.)

...Petitioner

Versus

The Oriental Insurance Company Ltd. & ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Sandeep K. Sharma, Advocate for the petitioner.

Mr. Kush Makkar, Advocate for
Mr. Ashwani Talwar, Advocate for the respondent No.1.

AMIT RAWAL, J. (Oral)

Challenge in the present petition is to the order dated 17.03.2008 passed by Civil Judge (Junior Division) Rohtak, whereby application filed by respondent No.1-Oriental Insurance Company Ltd. under Order 7 Rule 11 (a) Code of Civil Procedure has been allowed.

Mr. Sandeep K. Sharma, learned counsel appearing on behalf of petitioner-plaintiff submits that suit for claiming damages of ₹2 lacs had been filed against the defendants namely Oriental Insurance Company Ltd., Sh. Bikram Ahluwalia, the then Branch Manager & Ram Kishan Gupta.

Ram Kishan Gupta had filed a false and frivolous criminal complaint against the petitioner and Sh. R.S. Malik, Regional Manager, Oriental Insurance Company, Rohtak under Section 500 of Indian Penal Code. The said complaint was decided in favour of the petitioner vide order dated 15.01.2006 and, thereafter the suit for damages have been filed. Since the petitioner was working as Surveyor with Oriental Insurance Company and the complaint was also filed against the employee of Oriental Insurance Company, therefore, Oriental Insurance Company is liable to pay damages.

Mr. Kush Makkar, Advocate for Mr. Ashwani Talwar, Advocate, on behalf of Oriental Insurance Company, submits that the order allowing the application filed under under Order 7 Rule 11 (a) is perfect, legal and justified as the suit for damages is only against the individual persons, much less, against the person who instituted the complaint against the petitioner and not Oriental Insurance Company.

I have heard learned counsel for the parties and appraised the paper book.

The trial Court had allowed the application on the premise that in as suit for damages there has to be a specific allegation for malicious prosecution. According to the petitioner, malicious prosecution was lodged by none else but by Ram Kishan Gupta, who is defendant No.3 in the suit. Admittedly, criminal case was not filed by Oriental Insurance Company and Bikram Ahluwalia, Branch Manager, aforementioned.

The trial Court on observing the fact that the criminal case has been filed against the petitioner only by Mr. Ram Kishan Gupta and not by the Oriental Insurance Company and rightly rejected the contention of

petitioner vis-a-vis found that suit against the respondent No.1 can be proceeded with as cause of action for claiming the damages on account of malicious prosecution accrued in favour of the petitioner, on dismissal of the complaint, filed by the respondent No.3.

There is no illegality, much less, perversity in the order.

Present revision petition is devoid of merits. Accordingly, same is dismissed.

19.08.2015

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**(AMIT RAWAL)
JUDGE**