

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

CR No.2895 of 2017 (O&M)
Date of decision : 23.04.2018

Manjeet Kaur

...Petitioner

Versus

Jaspal Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sunny K. Singla, Advocate for the petitioner.

Mr. Ashdeep Singh, Advocate for respondent No.1.

ANIL KSHETARPAL, J. (ORAL)

The defendant-petitioner has challenged the order dated 17.12.2016 dismissing the application filed under Order 7 Rule 11 CPC for rejection of the plaint.

Learned trial Court had dismissed the application after considering that the plaintiff has filed a suit for recovery of damages, which is to be decided by the Court on the basis of the evidence to be led by the parties.

Learned counsel for the petitioner has vehemently argued that no cause of action has been pleaded and in fact, the plaintiff was not having any cause of action, once there was a settlement arrived at between the parties as pleaded in para 5 of the plaint.

This Court has carefully read para 5 of the plaint, as also para

14 of the plaint. In para 14, the plaintiff has pleaded cause of action by asserting that the false applications were filed against the plaintiff and thereafter cleverly withdrawn the same and the defendant has been defaming the plaintiff. The damages have also been claimed on the basis of the mental tension, pain, agony, stress, undue and unnecessary harassment etc..

In view thereof, in the considered opinion of this Court, the plaint cannot be rejected at the outset.

Revision petition is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

23.04.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No