

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

CR No.2161 of 2022

Date of Decision: 27.05.2022

Sukhdeep Kaur Sharma and others

.....Petitioners

Versus

Vaibhav Sharma

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Vinod Bhardwaj, Advocate
for the petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

By way of the instant revision-petition, the petitioners-defendants (here-in-after to be referred as 'the defendants') assail the order dated 11.04.2022 (Annexure P-4) passed by learned Civil Judge (Junior Division), Ludhiana (for short 'the trial Court') whereby the application moved by them under Order 7 Rule 11 CPC for seeking rejection of the plaint in the civil suit filed by the respondent-plaintiff (here-in-after to be referred as 'the plaintiff') for claiming the damages along-with interest thereon, has been dismissed.

2. I have heard learned counsel for the petitioners-defendants in the present revision petition and have also perused the file carefully.

3. Learned counsel for the defendants contends that defendant No.1 as well as the plaintiff are residing in Australia and therefore, no cause of action has arisen in favour of the plaintiff to file the suit in the

Court at Ludhiana and thus, the trial Court has no territorial jurisdiction to entertain, try and decide the said suit but the application moved by the defendants for seeking the rejection of the plaint on this score has, erroneously, been dismissed by the trial Court vide the impugned order and it being so, the said order deserves to be set-aside.

4. However, the afore-raised contention does not hold much water because a perusal of Annexure P-1, i.e copy of the plaint in the said civil suit, reveals that in para 12 therein the plaintiff has specifically averred that defendants No.1 to 3 levelled false allegations against him and his parents in their statements as submitted before the police authorities in Ludhiana and in Para No.22, he has averred that on the basis of his complaint, a criminal case has also been registered against defendant No.1 at PS NRI, Ludhiana. It is well settled that at the time of deciding the application under Order 7 Rule 11 CPC, the Court has to look into the averments as canvassed in the plaint and is not supposed to consider the pleas or assertions as already made or intended to be made by the defendant in the written statement.

5. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, infirmity, irregularity or perversity so as to call for any interference by this Court. Resultantly, the petition in hand stands dismissed.

27.05.2022

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Whether speaking/reasoned:

Whether Reportable:

(MEENAKSHI I. MEHTA)

JUDGE

Yes

No