

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

CR-3631-2019 (O&M)

Date of decision: 26.05.2022

Manpreet Kaur and another

....Petitioners

Versus

Mangal Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. H.K.Sammi, Advocate for the petitioners
 Mr. A.K.Khinda, Advocate for the respondents

ANIL KSHETARPAL, J (Oral)

The plaintiffs' plaint in a suit for recovery of damages to the tune of Rs 25,00,000/- on account of defamation and harassment has been returned under Order 7 Rule 10 of Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC'), on the ground that the Courts at Gurdaspur have no territorial jurisdiction. The court has relied upon Section 20 of CPC, while ordering return of the plaint.

Heard learned counsel representing the parties at length and with their able assistance perused the paper book. It is the case of the plaintiffs that on account of false complaint of the defendants, the police raided their house, humiliated and harassed them. The plaintiffs also claim that due to the aforesaid raid and adverse publicity by the defendants, the plaintiffs have suffered loss of reputation and their moral character have lowered in the eyes of the society. The plaintiffs also claim damages for defamation. The aforesaid raid was conducted within the territorial jurisdiction of District Court, Gurdaspur. Section 19 of CPC is extracted as under:-

**“Section 19:-Suits for compensation
for wrongs to person or movables**

Where a suit is for compensation for wrong done to the person or to movable property, if the wrong was done within the local limits of the jurisdiction of one Court and the defendant resides, or carries on business, or personally works for gain, within the local limits of the jurisdiction of another Court, the suit may be instituted at the option of the plaintiff in either of the said Courts.”

It is obvious that where a suit is for compensation for wrong (tort) against persons, the suit shall be governed by Section 19 CPC, which enables the plaintiff to file a suit for compensation within the local limits of the jurisdiction of the court, where the cause of action arise or where defendant resides or carries on his business or personally works for gain. Thus, in the present case, the plaintiff has an option to file the suit at the place where the aforesaid incident took place, which led to harassment, humiliation and defamation i.e Gurdaspur. Section 20 of CPC is a residuary provision, which covers all other cases which do not fall under any of the preceding Sections i.e Section 16-19 CPC. Undoubtedly, Section 20 of CPC will not apply to the present suit. Hence, the order under challenge is set aside. The revision petition stands allowed. The suit filed by the plaintiffs be restored to its original number. The parties through their counsel are directed to appear before the court at Gurdaspur on 05.07.2022.

All the pending miscellaneous applications, if any, are also disposed of.

26.05.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE