

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

268

CR-3717-2022 (O&M)
Date of Decision:16.05.2023

Baljit Singh Sehrawat and others

.....Petitioners

Versus

Seema Soni and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE ARUN MONGA

Present: Mr. Jagdeep Singh Rana, Advocate,
For the petitioners.

Mr. D.P.S.Joura, Advocate,
For respondent No.1.

ARUN MONGA, J. (Oral)

Petition herein is for setting aside impugned order dated 15.07.2022 (Annexure P-6) passed by learned Additional Civil Judge (Senior Division), Hisar, whereby in a suit instituted by respondent No.1 herein for damages, application filed by defendant/petitioners herein, under Order 7 Rule 11 CPC, was dismissed.

2. Learned counsel for petitioners submits that a bare perusal of plaint would show that same is sheer abuse of the process of law. However, the substantive challenge to the enquiry report (Annexure P-3) is based upon the misconceived assumption that complaint dated 03.05.2018 is of sexual harassment at workplace and thus the same ought to have been dealt with in terms of the provisions of the POSH Act. He

submits that there were other material defects in the plaint including cause of action, insufficiency of Court fee, availability of alternative efficacious remedy. Therefore, petitioners (defendants No.7 to 12) moved an application for rejection of plaint under Order 7 Rule 11 read with Section 151 of the Code of Civil Procedure. Contesting respondent/plaintiff filed its response. Learned Trial Court vide impugned order dismissed the application. Hence, the revision petition.

3. Learned counsel for respondent No.1, on the other hand, strenuously opposes the revision petition and support the impugned order and argue that same is based on correct findings.

4. I have heard learned counsel for the parties and gone through the case file.

5. On 08.09.2022, my learned sister Manjari Nehru Kaul, J. while issuing notice of motion, passed the following order:

“Learned counsel while impugning the order dated 15.07.2022 (Annexure P-6) inter alia contends that the Civil Court has no jurisdiction to declare the enquiry report dated 25.05.2018 as null and void as the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 provides for a remedy of appeal under Section 18 against any enquiry under the Act.

Learned counsel submits that respondent No.1/plaintiff has claimed damages to the extent of Rs.6 lakhs in the suit, therefore, respondent No.1 is liable to affix ad valorem Court fee on the amount so claimed.

Heard.

Notice of motion to respondent No.1/contesting respondent only on the limited question of ad valorem court fee.

Adjourned to 24.01.2023.”

6. Instant revision petition is disposed of with observations that the objections taken by the petitioner in the application under Order 7 Rule 11 CPC are kept open and it is made clear that impugned order shall not come in the way of framing issues in terms of the objections taken in

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the written statement and the same shall be decided on merits after parties have adduced their respective evidence in accordance with law.

- 7. Disposed of accordingly.
- 8. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

16.05.2023
vandana

Whether speaking/reasoned :	Yes/ No
Whether Reportable :	Yes/ No