

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

137

CR-642-2024 (O&M)

Date of Decision : 05.02.2024

CHARAN SINGH AND OTHERS

..... Petitioners

Versus

RANJIT KAUR AND ANOTHER

..... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Parminder Singh, Advocate for the petitioners.

ALKA SARIN, J. (Oral)

1. The present revision petition under Article 227 of the Constitution of India has been preferred by the defendant-petitioners challenging the impugned order dated 15.01.2024 (Annexure P-6) whereby the application under Order 14 Rule 5 of the Code of Civil Procedure, 1908 filed by the defendant-petitioners for framing of additional issues has been dismissed.

2. Learned counsel for the defendant-petitioners would contend that the three additional issues are questions of law and hence additional issues ought to have been framed by the Court.

3. Heard.

4. In the present case the plaintiff-respondent filed a suit for recovery of Rs.1 Crore tentatively as damages for malicious prosecution along with interest @ 12% per annum from the date of the suit till its realization. The entire case has been built on the fact that due to the criminal case faced by the plaintiff-respondent for more than 9 years, she had to appear in Court on each and every date and she being employed in Canada was required to go back to Canada. Further, she had to take permission from the Hon'ble Court every time before visiting Canada with surety bonds of Rs.5 lakhs. It is further the case of the plaintiff-respondent that she was working with Recochem Industries, Edmonton, Canada and Walmart in Edmonton, Canada and had to leave the job and had to stay in India in order

to face and defend the criminal case. It is also the case that she had to face loss of reputation because of the criminal case. The Trial Court vide order dated 10.02.2020 framed the following issues :

- “1. Whether plaintiff is entitled for recovery of Rs.1 Crore along with interest, if any and at what rate? OPP*
- 2. Whether suit of the plaintiff is not maintainable? OPD*
- 3. Whether plaintiff is estopped by her own act and conduct to file the present suit? OPD*
- 4. Whether the suit is not properly valued for the purpose of court fee and jurisdiction? OPD*
- 5. Whether plaintiff has concealed the true facts from the Court? OPD*
- 6. Whether suit of the plaintiff is bad for non-joinder of necessary party? OPD*
- 7. Relief.”*

5. Issue No.1 is whether the plaintiff is entitled for recovery of Rs.1 Crore along with interest, if any and at what rate, and the onus is on the plaintiff. The said issue would cover all the additional issues which the defendant-petitioner now wants to be framed. The said issue would necessarily entail that the plaintiff-respondent would have to prove loss of reputation and that she was maliciously prosecuted.

6. In view of the above, I do not find any reason to interfere in the impugned order dated 15.01.2024 and accordingly the present revision petition is dismissed being devoid of any merits. Pending applications, if any, also stand disposed off.

05.02.2024
D.Bansal

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO