

263.

2024:PHHC:014266

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

CR-748-2021

Date of decision: 30.01.2024

Veena Rani

... Petitioner

Versus

Daulat Ram and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. K.B. Raheja, Advocate, for the petitioner.

None for the respondents.

GURBIR SINGH, J.

1. Challenge in this revision petition filed under Article 227 of the Constitution of India is for setting aside the order dated 04.02.2021 (Annexure P-5) passed by learned Additional Civil Judge (Senior Division), Gidderbaha, vide which, the application of the petitioner filed under Order 7 Rule 11 read with Section 151 CPC for rejection of plaint on the ground of jurisdiction, has been dismissed.

2. The brief facts of the case are that the petitioner is a widow of Kanwaljit Singh, Shakuntla Devi is her sister-in-law, Rulia Ram is the husband of Shakuntla Devi and Navpreet Kaur is the daughter of Shakuntla Devi and Rulia Ram. Respondent No.1-Daulat Ram is the maternal uncle of the husband of petitioner. After the death of the husband of petitioner, who was working as Class-IV employee, derogatory allegations were leveled against the petitioner by aforesaid

Shakuntla Devi and others. She filed a complaint under Section 500/34 IPC in the court of Judicial Magistrate Ist Class, Sri Muktsar Sahib, which was decided vide order dated 17.12.2016, vide which, Shakuntla Devi was convicted and other accused i.e. Rulia Ram, Navpreet Kaur and Daulat Ram Goverdhan, were acquitted. However, Shakuntla Devi was released on probation of good conduct. Thereafter, husband of Shakuntla Devi, namely, Rulia Ram filed a civil suit before the Court of Civil Judge (Senior Division), Mansa, against the petitioner herein for compensation on the ground of filing a false complaint against him. Petitioner moved an application before the said Court for rejection of the plaint on the ground that said court had no jurisdiction to try that case. Vide order dated 28.01.2020, the court at Mansa returned the plaint with the finding that jurisdiction for compensation lies at in the Courts at Sri Muktsar Sahib where the complaint was filed. Thereafter, Daulat Ram, respondent No.1 herein, also filed a civil suit for compensation in the Court of Civil Judge (Senior Division), Gidderbaha and against said suit also, petitioner again moved an application that said court had no jurisdiction to entertain that suit. Vide order dated 04.02.2021, said application was dismissed. It is the said order, which has been challenged by way of present revision petition.

3. Learned counsel for the petitioner submits that as per Section 19 of CPC, the jurisdiction to entertain a suit for compensation on the basis of malicious prosecution lies in the Court where the

defendant resides or the complaint is filed. In the present case, the petitioner-defendant is resident of Sri Muktsar Sahib and complaint was also filed there, and the court at Gidderbaha is not having any jurisdiction to entertain and decide the controversy in the present suit. Moreover, similar suit filed by other accused at Mansa was ordered to be returned by the learned Civil Judge (Senior Division), Mansa. The trial Court wrongly held that it is a mixed question of law and facts.

4. I have heard the submissions of learned counsel for the petitioner and have gone through the file.

5. Section 19 of CPC reads as under:-

“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.”

6. Keeping in view Section 19 of CPC which deals regarding jurisdiction of such type of suit for compensation, the order dated 04.02.2021 (Annexure P-5) is hereby set aside and the case the remanded back to the Court at Gidderbaha to decide the application of the petitioner afresh after hearing the parties, in accordance with law.

7. The parties are directed to appear before the trial Court, on
16.02.2024.
8. Present revision petition is allowed accordingly.

(GURBIR SINGH)
JUDGE

January 30, 2024
sanjeev

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No