

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**123****CR No.4075 of 2023 (O&M)
Reserved on : 14.03.2024
Date of Decision : 01.04.2024**

Inderjit Singh Bajwa and Others

....Petitioners

VERSUS

Satnam Singh Chahal

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Bikramjit Singh Baath, Advocate for the petitioners.

ALKA SARIN, J.

1. The present revision petition has been filed challenging the order dated 21.04.2023 whereby the application filed by the defendant-petitioners for dropping the proceedings in the civil suit as it was alleged that no cause of action was made out, has been dismissed.

2. Learned counsel for the defendant-petitioners submitted that the plaintiff-respondent and defendant-petitioners are residents of United States of America and the daughter of the plaintiff-respondent was a citizen of USA. She got married to defendant-petitioner No.1 – Inderjit Singh – on 01.03.2008 and a child was born out of the said wedlock, who is also a USA citizen. The marriage ended in a divorce in a Court in USA on 21.07.2017. It is further the contention that various complaints were filed by the plaintiff-respondent, which were found to be false. The present suit has been filed by the father for recovery of Rs.10,00,000/- as damages for causing harassment, humiliation and torture and lowering the reputation of the plaintiff-

respondent in the eyes of their friend circle, relatives and relations. The defendant-petitioners have filed written statement and are contesting the suit. During the pendency of the suit an application was filed by the defendant-petitioners for dropping the proceedings as no cause of action had occurred within the jurisdiction of the Trial Court. The plaintiff-respondent contested the application and vide the impugned order the said application was dismissed by the Trial Court. Hence, the present revision petition.

3. Learned counsel for the defendant-petitioners has contended that the Trial Court erred in dismissing the application and that whatever happened took place in USA and there was, therefore, no occasion for the plaintiff-respondent to file the suit in Jalandhar. It is further the contention that the application ought to have been allowed as it is the duty of the Court to see if the plaint is manifestly vexatious and merit-less, the same should be rejected.

4. Heard.

5. In the present case the suit was filed by the plaintiff-respondent for recovery of Rs.10,00,000/- on account of damages to the reputation of the plaintiff-respondent. The written statement was filed. Thereafter, an application was filed for dropping the proceedings on the ground that no cause of action had arisen within the jurisdiction of the Court. The Trial Court after considering the application dismissed the same vide the impugned order dated 21.04.2023. Para 7 of the plaint reads as under :

“7. That after filing of the complaint dated 5.8.17 the defendants came to India on the occasion of solemnization of second marriage of defendant no.1 and during that period they all circulated the copies of the

complaint dated 5.8.17 to the known persons of the plaintiff and his other family members with a motive to defame the plaintiff in the eyes of general public, his friends circle and in the circle of his relatives. There are written imputation by all the defendants against the plaintiff and contents of the said complaint are false on the face of it, even SHO, P.S. NRI, Jalandhar (City) made his report dated 17.10.2017 clearly hold that the complaint dated 5.8.17 is liable to be dismissed and accordingly he recommended the case to the high officials vide order dated 26.10.17, DSP, NRI, Sub Division Jalandhar agreed with the report of SHO vide letter no.5926 dated 28.11.17, AIG, Police NRI Wing, Jalandhar also agreed with the reports and forwarded the repot to I.G. Police and I.G. Police also passed a final order regarding dismissal of the complaint.”

6. There is a specific averment therein that when the defendants came to India for solemnization of the second marriage of defendant-petitioner No.1 herein and during that period they circulated copies of the complaint dated 05.08.2017 to all known with a motive to defame the plaintiff-respondent. It has further been stated in the paragraph that the SHO, Police Station NRI Jalandhar (City) had made his report dated 17.10.2017 clearly stating that the complaint dated 05.08.2017 was liable to be dismissed and recommended the case to the higher authorities and that vide letter dated 28.11.2017 the A.I.G. Police NRI Wing, Jalandhar also agreed

with the report and forwarded the report to I.G. Police and I.G. Police finally passed the order dismissing the complaint.

7. It is trite that at the time of considering an application under Order VII Rule 11 of the Code of Civil Procedure, 1908 for rejection of a plaint only the contents of the plaint are to be seen. Though the application does not state anywhere that the same has been filed under Order VII Rule 11 CPC but infact the prayer is for rejection of the plaint and hence the plaint can be rejected only if on a meaningful reading of the plaint no cause of action is made out or jurisdiction does not lie. In the present case, on a meaningful reading of the plaint, it cannot be said that no cause of action occurred in Jalandhar or that the jurisdiction does not lie in Jalandhar. As held by the Trial Court, the question of jurisdiction would be a matter of evidence to be decided during the trial. No other point was argued.

8. In view of the above, I do not find any merit in the present revision petition and the same is accordingly dismissed. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

01.04.2024
jk

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