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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.161 OF 2025

Pushpita Veenesh Sinha ...Applicant

Versus

Veenesh Chandrabhushan Sharan
Priyadarshi (Sinha) ...Respondent

Mr. Mohit Bhardwaj, for Applicant.
Ms. Meenaz Kakalia, for Respondent No.1.

CORAM : M.M. SATHAYE, J.

DATE : 18th MARCH, 2025

P.C. :

1. Heard learned counsel for the parties. The Applicant is wife-original Defendant and Respondent is husband-original Plaintiff in S.C. Suit No.1753 of 2023. Applicant is challenging the Order dated 03.09.2024 passed by City Civil Court Mumbai at Dindoshi, rejecting the Applicant's motion for rejection of plaint under Order VII, Rule 11 of the Civil Procedure Code, 1908 ('CPC' for short).

2. The suit is filed seeking permanent injunction restraining the Applicant wife from making any defamatory statements against the Respondent husband or his family in print, in electronic or digital medium, in organisations where the Respondent is or will be employed or in any other manner. The suit further seeks compensation of Rs.5 lakh towards loss of reputation, hardship and mental trauma. The suit originally was filed in the Court at Bengaluru and has traveled to the Court at Mumbai under the orders of the Supreme Court and other Courts.

3. The Applicant took out a Notice of Motion No.3120 of 2023 for rejection of plaint under Order VII, Rule 11 of the Civil Procedure Code, 1908 ("CPC", for short). The case of the Applicant is that there is no cause of action disclosed in the plaint and that the suit is barred by limitation. Learned counsel for the Applicant, on instructions submits that though there are other grounds taken seeking rejection of plaint, viz. under-valuation of the suit as well as this being second suit on the same cause of action, they are not being pressed.

4. Inviting the Court's attention to paragraph No.18 of the plaint it is contended that the first cause of action disclosed is of 2016 which was about a false police complaint and therefore the suit filed in 2021 based on that cause of action is barred by limitation. Inviting the Court's attention to paragraph No.16 of the plaint it is submitted that the incident of 04.09.2021 is only about the Defendant allegedly threatening to defame the Plaintiff and mere threat would not constitute a cause of action. It is therefore submitted that the plaint neither discloses cause of action nor is filed in limitation.

5. On the other hand, learned counsel for the Respondent has supported the impugned order and has pointed out from paragraph No.11 of the plaint that it is specifically pleaded that the Defendant had forwarded the copy of the FIR filed in 2021 to the neighbor of the Plaintiff and has also shared newspaper articles of prior court judgments, marriage pictures along with the other details to a neighbor. It is pointed out that in paragraph No.11, it is stated that this has caused mental agony, anguish and depression. Also, it is submitted that since the FIR number is stated which is of the year

2021, the suit filed in the same year cannot be said to be beyond the period of limitation. It is further submitted that cause of action is a bundle of facts presented and has to be understood from the over-all reading of the pleadings.

6. I have considered the rival submissions and perused the record. It is to be borne in mind that provision of Order VII, Rule 11 of the CPC have to be applied to the fact of the case, keeping in mind that a party is non-suited without trial if the plaint is rejected.

7. Perusal of the paragraph No.11 of the plaint sufficiently indicates that some incident has taken place in 2021 regarding which FIR has been filed and its copies are allegedly circulated to neighbors and ex-colleagues causing mental agony, anguish and depression to the Plaintiff. It is also averred that newspaper articles of court judgments and marriage pictures are also shared/circulated with neighbors. Suit is filed in 2021. Considering this, it cannot be said at this stage that the suit is barred by limitation, merely relying on the pleadings. In any case, it is trite that the issue of limitation is a mixed question of fact and law and with the pleadings as they exist, it cannot be said that the Plaintiff in this case can be non-suited at the stage of Order VII, Rule 11 of the CPC.

8. So far as the argument about cause of action in 2016 is concerned merely because a cause of action of the year 2016 is mentioned, it would not take suit out of limitation, especially when cause of action in the year 2021 is also stated in paragraph Nos.11 as indicated above. Therefore it cannot be said that there is no cause of

action at all, to reject the plaint. Further, the argument that mere threat by the Defendant does not constitute any cause of action, is without merit in my opinion. Threat is part of bundle of facts that constitutes a cause of action and therefore overall pleadings of the plaint must be taken in account.

9. Viewed in light what is stated above, the impugned order shows that that learned Trial Court has considered the averments made in the plaint and has taken an overall view of the matter and the motion is dismissed. I do not find any perversity or apparent error in the impugned order. There is also no jurisdictional error involved. In that view of the matter, considering the limited jurisdiction under Section 115 of the CPC, no interference is called for.

10. Civil Revision Application is accordingly dismissed with no order as to cost.

11. All concerned to act on duly authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)