

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CR-1309-2025 (O&M)**
Date of Decision: 03.03.2025**RAJEEV SHARMA AND ANOTHER**

. . . .PETITIONERS

Vs.

GYAN DEEP SENIOR SECONDARY SCHOOL

. . . . RESPONDENT

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Argued by:- Mr. Manjit Singh Gehlawat, Advocate, for the petitioners.

DEEPAK GUPTA, J.

Petitioners are defendants before the trial Court of Id. Civil Judge (Sr. Division), Gurugram. They have assailed the order dated 20.12.2024 (*Annexure P6*), whereby their application for rejection of the plaint under Order VII Rule 11 CPC has been dismissed.

2. Counsel for the petitioners has been heard.

3. It is found that the plaintiff-School (*respondent herein*) filed the suit against the defendants (*petitioners herein*) for recovery of damages to the tune of ₹1 crore on account of defamation; and mandatory/permanent injunction. Petitioner No.2-Tanish Sharma, the son of petitioner No.1-Rajeev Sharma, was the student of 12th Class in the plaintiff-school. According to the plaintiff, it had asked defendant No.1 several times to clear the outstanding due fees pertaining to defendant No.2 and collect the necessary documents sought by him. As soon as the outstanding fee was paid, the documents were handed over. However, after receiving the documents, defendant in order to defame the reputation of the plaintiff-school, filed false, frivolous and baseless complaints to various authorities alleging physical, mental and financial harassment on the part of the school by not supplying the necessary

documents. It is alleged by the plaintiff that the complaints were made to extort the money.

4. As per Id. counsel for the petitioners-defendants, the plaintiff-school had demanded illegal school fee and so the complaints had been made against this illegal demand.

5. The trial Court has rightly observed that at the time of considering the application under Order VII Rule 11 CPC, it is only the averments made in the plaint, which are to be looked into and not the stand of the defendant taken in the written statement. Trial Court noticed that plaintiff claimed damages for the loss suffered due to defamation done by the defendants; and as to whether the alleged acts of the defendants amounted to defamation of the plaintiff-school or not, will be a matter of trial.

6. This Court does not find any illegality or perversity in the aforesaid order, as the same is based upon proper appreciation of the legal position. No scope to interfere. As such, the present revision is hereby dismissed.

03.03.2025
Vivek

(DEEPAK GUPTA)
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>No</i>