



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

123

CR-4502-2024 (O&M)**Date of Decision : 28.03.2025**

GURSEWAK SINGH

.... Petitioner

VERSUS

MASTER HARJIT SINGH

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ravi Dutt Sharma, Advocate and
Ms. Alisha Soni, Advocate for the petitioner.

ALKA SARIN, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 10.05.2024 (Annexure P-4) passed by the learned Civil Judge (Junior Division), Ludhiana whereby the application filed by the defendant-petitioner herein under Order VII Rule 10 CPC read with Section 151 CPC for returning of the plaint to be filed in the Court having jurisdiction was dismissed.

2. Brief facts relevant to the present *lis* are that the plaintiff-respondent herein filed a suit for recovery of damages caused by the defendant-petitioner by filing a false suit bearing CS No.945 of 04.07.2016 which was dismissed by the Civil Judge (Junior Division), Ludhiana vide judgment and decree dated 31.08.2018. The present suit has been filed at Ludhiana claiming damages on account of the said suit. An application was filed by the defendant-petitioner herein under Order VII Rule 10 CPC read with Section 151 CPC for returning of the plaint on the ground that Courts at Ludhiana did not have territorial jurisdiction. The said application was

contested by the plaintiff-respondent. Vide the impugned order dated 10.05.2024 the said application was dismissed. Hence, the present revision petition by the defendant-petitioner.

3. Learned counsel for the defendant-petitioner would contend that both the parties are residing at Jagraon and hence cause of action would be at Jagraon and not at Ludhiana.

4. Heard.

5. In the present case the suit is for recovery of damages alleged to have been caused by the defendant-petitioner by filing false suit being CS No.945 of 04.07.2016 titled as 'Gursewak Singh Versus Paramjit Kaur & Ors.' which was dismissed by the Civil Judge (Junior Division), Ludhiana vide judgment and decree dated 31.08.2018. The present suit is the outcome of the earlier suit filed by the defendant-petitioner himself at Ludhiana. The argument of the learned counsel for the defendant-petitioner that the Courts at Ludhiana would not have jurisdiction is wholly misplaced as the present suit arises out of the cause of action which was the filing of the earlier suit by the defendant-petitioner himself and the same was decided by the Civil Courts at Ludhiana. In view thereof, no fault can be found with the impugned order dated 10.05.2024.

6. 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.

7. Any observation made herein shall not be treated as an expression of opinion on the merits of the case.

28.03.2025

Aman Jain

NOTE:

(ALKA SARIN)

JUDGE

Whether speaking/non-speaking: Speaking

Whether reportable: Yes/No