

2025:PHHC:026686



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

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CR-5824-2024

Date of Decision:24.02.2025

KASHMIR SINGH

..... PETITIONER

VS.

SHIVANI DEVI AND OTHERS

..... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present: Mr. Shivender Pal Singh, Advocate for the petitioner.

DEEPINDER SINGH NALWA, J. (ORAL)

1. The petitioner has filed the present revision petition aggrieved against the order dated 14.08.2024 passed by the learned trial Court whereby, application filed under Order VII Rule 11 CPC has been dismissed. The respondents have filed a suit for malicious prosecution. On perusal of the order dated 14.08.2024, it transpires that the petitioner earlier also filed a similar application before the learned trial Court which was dismissed by the learned trial Court on 18.01.2024.

2. The petitioner-defendant No.1 has again filed an application under Order VII Rule 11 CPC for rejection of the plaint. The abovesaid application came up for consideration before the learned trial Court on 14.08.2024, on that day the learned trial Court was pleased to dismiss the

abovesaid application.

3. Aggrieved against the abovesaid order dated 14.08.2024 whereby, the application filed by the petitioner under Order VII Rule 11 CPC was dismissed, the petitioner preferred the present revision petition before this Court.

4. The only ground taken before this Court is that in the light of the averment made in the plaint, paras are not attracting the ingredients of malicious prosecution as per law.

5. In regard to the contention as raised by the counsel appearing on behalf of the petitioner is concerned, it is a well settled law that in fact rejection of plaint cannot be made on the basis of the allegations in the written statement or allegations in the application for rejection of plaint. Otherwise also, earlier the petitioner had filed an application under Order VII Rule 11 CPC for rejection of plaint which was dismissed by the trial Court on 18.01.2024. The abovesaid order of rejection has not been challenged by the petitioner. As such, this Court finds no infirmity or illegality in the order passed by the learned trial Court in the impuged order dated 14.08.2024.

6. Accordingly the present revision petition is dismissed.

(DEEPINDER SINGH NALWA)
JUDGE

February 24, 2025
Poonam Sharma

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>