



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR No.7184 of 2024 (O&M)

Date of Order:14.01.2025

Ramandeep Kaur @ Mandeep Kaur and another

.Petitioners

Versus

Karamjit Singh Narula and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ram Karan Agnihotri, Advocate  
for the petitioners.

ANIL KSHETARPAL, JUDGE (Oral)

1. Defendant no.1 and 2, assail the correctness of the judgment passed by the First Appellate Court which in turn has reversed the judgment passed by the trial court.

2. The plaintiff (respondent herein) filed a suit for recovery of Rs.23,08,800/- along with interest @ 24 % per annum on the ground that he has been lured to pay the amount for securing job of his son. The plaintiff claims that he has been cheated by the defendants of Rs.23,08,800/- and therefore, the same is liable to be refunded.

3. The defendants filed an application under Order VII Rule 11 CPC to reject the plaint at the threshold which was allowed by the trial court on the ground that such contract is not enforceable. However, the First Appellate Court reversed the same on the ground that the defendants cannot be allowed to retain the benefit which was obtained by either defrauding the party or coaxing the other party into an illegal contract.

4. The learned counsel representing the petitioners contends that



the contract, if any, was illegal and hence not enforceable.

5. This suit is not for enforcing the contract but is only for refund of the amount which was allegedly paid by the plaintiff. In any case, at this stage, it would not be appropriate to express any final opinion on the merits of the case particularly when the parties have not led evidence.

6. In exercise of revisional jurisdiction, this court does not find it appropriate to interfere with the judgment of the First Appellate Court. However, the defendants will have the liberty to object to the maintainability of the suit while filing the written statement and pray to the court for culling out the distinct issue on this aspect.

7. Disposed of accordingly.

8. All the pending miscellaneous applications, if any, are also disposed of.

**(ANIL KSHETARPAL)**  
**JUDGE**

**January 14, 2025**  
**nt**

**Whether speaking/reasoned : Yes/No**  
**Whether reportable : Yes/No**