



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
122

CR-3543-2026(O&M)
Date of decision: 27.04.2026

Sarjit Singh

...Petitioner(s)

Vs.

Smt. Sangeeta Kalia & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Gulshan Nandwani, Advocate
for the petitioner.

NIDHI GUPTA, J.

Present Revision Petition under Article 227 of the Constitution of India has been filed by plaintiff seeking setting aside of the impugned order dated 13.04.2026 (Annexure P4) passed by learned Civil Judge (Junior Division), Rewari, whereby application filed by the petitioner under Order 11 Rule 14 and under Order 14 Rule 3 read with Section 151 CPC, was dismissed.

2. Brief facts of the case in chronological order are as under: -

29.05.2025: The plaintiff/petitioner had filed the Civil Suit dated 29.05.2025 (**Annexure P1**) seeking compensation from the defendants/respondents herein for damages caused by malicious intent and malicious prosecution.



25.09.2025: Soon thereafter, the petitioner had moved the present application dated 25.09.2025 (Annexure P2) under Order 11 Rule 14 and under Order 14 Rule 3 read with Section 151 CPC thereby praying as follows:-

“It is, therefore, humbly prayed that the case file may kindly be put up and heard the same in early date because the defendants have been doing act of malice intent to the plaintiff for last many years. The applicant/plaintiff prays to the Hon'ble court that the defendants be ordered to produce all proceedings regarding legal notice dated 25.05.2025 and civil suit no. 799 of 2025 to till date which are in his possession and power and which relate to the real matter of controversy in the suit. The applicant/plaintiff further prays to the Hon'ble court that the direction regarding act of malice intent be issued to Sub Inspector Sunder Lal No. 174/RWR and Shri. Hemendra Kumar Meena IPS, Superintendent of Police, Rewari to produce all record on the court file regarding the authority letter and application under order 7 rule 11 CPC read with section 151 CPC. The applicant/ plaintiff further prayed that the above two issues should be framed as per pleading of the plaintiff and appearance of the parties and to create peculiar circumstances by the defendants and other persons i.e. Shri. Hemendra Kumar Meena IPS, Superintendent of Police, Rewari, Dr. Ravinder Singh HPS, DSP (H.Q) Rewari, Sub Inspector Sunder Lal No. 174/RWR. The applicant further prayed to the Hon'ble court that the legal action should be taken against Hemendra Kumar Meena IPS, Superintendent of Police, Rewari, Dr. Ravinder Singh HPS, DSP (H.Q) Rewari, Sub Inspector Sunder Lal No. 174/RWR under section 215, 379 B.N.S.S. The defendants have been doing act of malice intent to the plaintiff for last many years therefore the



present application moved. The present application should be decided expeditiously so that the plaintiff can filed reply to the application under order 7 rule 11 CPC in the interest of justice."

13.12.2025: The defendants had filed reply dated 13.12.2025 (Annexure P3) to the aforesaid application of the petitioner.

13.04.2026: Vide impugned order dated 13.04.2026 (Annexure P4), application (Annexure P2) filed by the petitioner, has been dismissed.

3. It is inter alia submitted by learned counsel for the petitioner that the learned trial Court was in error in dismissing the application of the petitioner as it failed to appreciate that no valid Power of Attorney or duly executed Authority Letter has been brought on record by the present respondents/defendants authorising any person to act or plead on their behalf in the present proceedings. It is contended that in the absence of such valid authorisation appearance and filings on behalf of the defendants No.1 to 17 cannot be treated as valid compliance of law.

4. It is further submitted that present Suit is filed against the defendants due to act of malicious intent and malicious prosecution by the defendants. The present petitioner/plaintiff has written all facts about the malicious prosecution in the present Suit. Present respondents/defendants have created the circumstances for framing the issues. Following two issues have to be framed according to the pleading of the plaint and circumstances



of the defendants due to application under Order 7 Rule 11 CPC and order dated 22.08.2025: -

“(i) Whether the malicious act of the defendants in the present Suit is private or government?”

“(ii) Whether all the defendants in the present Suit are private party or Government party?”

However, Id. Trial court has failed to appreciate the above facts.

5. Learned counsel further contends that the learned Civil Judge failed to appreciate that the act of malicious intent and malicious prosecution has been committed by the defendants personally by misusing Government powers which have been adequately described in the plaint. Furthermore, the learned Civil Judge also did not appreciate that present respondents have themselves specifically admitted in Para 5 of their reply dated 13.12.2025 that the defendants have been arrayed in their personal capacity. In fact, while passing the impugned order, the learned Civil Judge has not discussed the said reply at all. It is accordingly prayed that the present Revision Petition be allowed; and the impugned order dated 13.04.2026 (Annexure P4) be set aside.

6. No other argument is made on behalf of the petitioner. I have heard learned counsel and perused the case file in great detail. I find no merit in the submissions advanced on behalf of the petitioner.

7. As regards contention of the petitioner that the respondents are being represented without valid authorisation, the Relevant reasoning of the Id. Civil Judge in the impugned order is as follows: -



“This Court has considered the aforesaid submission. At this stage, it is pertinent to note that the appearance of the concerned defendants is being recorded through duly authorised police official(s) as per administrative and departmental authorisation placed on record, and the same is being accepted by this Court for the limited purpose of representation in the present proceedings. The question as to the sufficiency or otherwise of internal departmental authorisation or its legal effect, if any, can be only considered after evidence is led. The objection raised by the plaintiff, therefore, does not call for any interference at this stage and is accordingly rejected.”

8. I find no error whatsoever in the above reasoning of the learned trial court. The alleged insufficiency of departmental authorisation will be duly considered by the trial court at the relevant.

9. The second contention on behalf of the plaintiff to the effect that proper issues had not been framed, was rightly rejected by the learned Civil Judge as admittedly written statement is yet to be filed in the Suit; and consideration on application under Order 7 Rule 11 CPC is still pending. Learned trial Court has therefore, correctly observed that:-

“It is further noticed that the rival contentions as to whether the alleged acts constitute acts in discharge of official duties or are personal in nature, and whether the defendants are impleaded in their personal or official capacity, are matters which require adjudication on the basis of evidence and are premature at this stage.”

10. Consequentially, application of petitioner was correctly dismissed.



11. I find no ground is made out to exercise the revisional jurisdiction of this Court. Present Revision Petition accordingly stands **dismissed**.
12. Pending application(s) if any also stand(s) disposed of.

27.04.2026
Sunena

(Nidhi Gupta)
Judge

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