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

**CR-3815-2023
Date of decision:-24.03.2025**

Rajbir Singh Kadian

...Petitioner

Versus

Viveka Nand Jha and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL**Present** : Petitioner Rajbir Singh Kadian in person.

None for respondent No.1.

Mr. Satish Singla, AAG, Haryana
for respondents No.2 to 4.

SUVIR SEHGAL, J.(ORAL)

1. Aggrieved of order dated 11.04.2023 passed by Civil Judge (Jr.Divn.), Jhajjar, petitioner/defendant No.1 has approached this Court by way of present revision petition.

2. Petitioner, who has appeared in person, states that he was impleaded as defendant No.1 in a suit filed by respondent No.1/plaintiff whereby he has sought damages on account of loss of reputation caused to him on account of publication of defamatory material. He submits that although defendants No.2 to 4 were served, but the service of petitioner/defendant No.1 remained incomplete and by order dated



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30.08.2022, Annexure P4, Trial Court issued another notice to him on furnishing of correct address. Petitioner submits that he appeared before the Trial Court through counsel on 13.12.2022, Annexure P5, and the proceedings were adjourned to 11.04.2023 to enable him to file written statement, when the impugned order was passed imposing cost of Rs.1,000/-. Petitioner asserts that on 11.04.2023, as he had filed an application under Order 7 Rule 11 CPC before the Trial Court for the rejection of the plaint, he was not required to file the written statement. It is his submission that this application has subsequently been dismissed and the petitioner is in a revision petition (CR-7192-2024) before this Court in which notice has been issued to respondent No.1/plaintiff. It is his case that the Trial Court has imposed the cost without appreciating that the petitioner did not have sufficient time to file written statement.

3. I have heard the parties and considered their respective submissions.

4. From the impugned orders placed before this Court, it is apparent that the petitioner had appeared before the Trial Court for the first time on 13.12.2022 and on the adjourned date, the impugned order was passed imposing cost. Petitioner is not correct in urging that till the time an application under Order 7 Rule 11 CPC is not decided, he is not required to file the written statement. This application has to be decided on the basis of the averments in the plaint and the defence taken by the defendant is not to be considered. However, as cost has been imposed on the very first adjournment, this Court is of the view that the order



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deserves to be altered.

5. Accordingly, impugned order dated 11.04.2023 is modified and cost of Rs.1,000/- imposed by the Trial Court is waived off.

6. Petition is disposed off.

(SUVIR SEHGAL)
JUDGE

24.03.2005

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No