

**In The Court of Sh. Raghubir Singh,
Additional District Judge-01, (East),
Karkardooma Courts, Delhi.**

CS No.263/19
J.K. Chawla Vs. Shelley Kashyap

20.12.2021

Order

This adjudication shall dispose of the application of the defendant no.1 filed ***under Order VII Rule 11 CPC***.

Ld. counsel for D-1/applicant and Ld. counsel for plaintiff heard.

This is a *Suit for Damages for Defamation* wherein; in para 10 onwards of the plaint, certain such imputations are there on the basis of which, the present Suit does find support for prima facie showing that there was cause of action for initiating the present proceedings. Ld. counsel for the applicant fairly conceded during the course of arguments on this application that this application has been filed solely on the ground that the plaint does not disclose cause of action. However, as pointed out hereinabove, the averments made in para 10 onwards of the plaint do prima facie contain the material to disclose the cause of action so as to save the plaint from the clutches of the Provision under Order VII Rule 11 CPC. Apparently the application in hand has been filed not on the ground that 'plaint does not disclose any cause of action' but on the ground that no cause of action is

made out against the defendant/applicant. The question whether any cause of action is made out or not is a mixed question of law and fact which can only be adjudicated upon after both the parties are afforded opportunities to lead their respective evidence. With these observations the application in hand is found and held devoid of merits. Hence, the same is dismissed accordingly.

Announced in open Court
on 20th December 2021

(Raghubir Singh)
Additional District Judge-01
(East)/KKD/Delhi/20.12.2021