

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

**CR No.5687 of 2015 (O&M)  
Date of Decision:02.09.2015**

State of Haryana and others ... Petitioners

Versus

EHC Anit Kumar No.126/KKR ... Respondent

**CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr. Siddharth Sanwaria, DAG, Haryana.

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**RAJ MOHAN SINGH, J. (Oral)**

1. Plaintiff-respondent filed a suit for declaration with consequential relief of mandatory injunction and permanent injunction to the effect that order dated 22.03.2013 passed by Superintendent of Police, Kurukshetra imposing recovery of an amount of Rs.4,31,000/- from the plaintiff and the adverse order, if any, passed by Inspector General of Police, Karnal Range, Karnal are illegal and null and void. As a consequential relief, prayer has been made to restrain the defendants from dispossessing the plaintiff and from getting the house vacated illegally and forcibly. Further directions have been sought for return of the amount along with interest.

2. Trial Court partly decreed the suit vide judgment and decree dated 19.05.2014. A decree has been passed to the effect that order dated 22.03.2013 is illegal and is set aside qua the plaintiff and defendants have been directed to deduct rent @ Rs. 3000/- per month. The excess amount recovered from the salary of plaintiff is directed to be refunded within 2

months from the date of passing of the order. Relief qua interest has been declined. With this relief clause, suit of the plaintiff has been decreed.

3. Appellants filed appeal before the lower appellate Court. Question of maintainability has been discussed by the lower appellate Court. Deputy Superintendent of Police has filed the appeal. Requirement of Order 6 Rule 14 CPC is that pleadings are to be signed by the parties or their pleader if any. Proviso to this provision talks about authorization in favour of a person. Order dated 26.06.2014 has been relied to contend that Deputy Superintendent of Police was authorized to sign the papers on behalf of appellants. Lower appellate Court has discussed that there is no evidence on record to show that Superintendent of Police was absent at the time of filing of the appeal. The order dated 26.06.2014 is specific in nature that in the absence of Superintendent of Police, Deputy Superintendent of Police can undertake to sign the papers for filing appeal and undertaking other proceedings. There is no authorization mentioned in the appeal, nor any good cause has been shown for filling the appeal by any officer who is not an appellant.

4. Taking entire stock of the situation, Appellate Court dismissed the appeal for want of proper authority. I have considered the grounds taken by the appellants as well as arguments raised at the Bar. There is nothing on record to suggest that Superintendent of Police was absent so as to

attract authority of Deputy Superintendent of Police in terms of order dated 26.06.2014 to file and sign the appeal on behalf of Superintendent of Police, Kurukshetra. Secondly, even as per grounds of appeal, there is no authorization mentioned in the name of Deputy Superintendent of Police, who has filed the appeal. No good cause is forthcoming to justify the filing of appeal by an officer who is not an appellant therein. I find no justification for the Deputy Superintendent of Police to sign the appeal in the presence of proper parties. No ground of interference is made out. No lawful point is involved.

Dismissed.

September 02, 2015  
prince

(RAJ MOHAN SINGH)  
JUDGE