

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.87 of 2015.
Decided on:-7.1.2015.

Dr. B.N. Sharma.

.....Petitioner.

Versus

Shish Ram and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON.

Present:- Mr. J.K. Goel, Advocate for the petitioner.

Dr. Bharat Bhushan Parsoon, J (Oral)

The petitioner wrongly mentioned as appellant in this revision petition, in fact, in a bid to set at naught orders passed by the District Consumer Disputes Redressal Forum, Bhiwani of 30.1.2007 (Annexure P-1) and of the State Consumer Disputes Redressal Commission, Panchkula of 20.2.2011 (Annexure P-2) had filed a civil suit for setting aside those orders on the ground that the affidavits in evidence filed by the respondent-claimant seeking compensation on the ground of disability allegedly caused by the plaintiff doctor, now petitioner, had wrongly been relied upon.

2. In a complaint preferred by complainant Shish Ram, respondent No.1 herein, before the District Consumer Disputes Redressal Forum, Bhiwani, compensation of 2.5 lacs had been granted to him on 30.1.2007 which adjudication was upheld by the State Consumer Disputes Redressal Commission, Panchkula on 20.2.2011.

3. The petitioner doctor in the suit filed by him had made an application under Order XXXIX Rules 1 and 2 CPC for seeking stay of the execution of the orders of the District Consumer Disputes Redressal Forum, Bhiwani affirmed by the State Consumer Disputes Redressal Commission,

Panchkula. The application was dismissed by the lower court vide order dated 24.1.2014 (Annexure P-10). Even the appeal against the same was dismissed by the lower appellate court vide order dated 20.11.2014 (Annexure P-11). Both the courts below had found neither prima-facie case nor balance of convenience in favour of the plaintiff, petitioner herein. Basic parameters for granting of injunction to the plaintiff, petitioner herein, have been found to be non-existent.

4. There is concurrent finding of fact by both the courts below. In view of the well-written order of the civil court as well as of the lower appellate court, taking into consideration all the objections taken against verdicts rendered by the Tribunals of competent jurisdiction i.e. the District Consumer Disputes Redressal Forum, Bhiwani and the State Consumer Disputes Redressal Commission, Panchkula, execution of the same was not stayed. This petition is nothing but a grave misuser of the process of the court by delaying and dilating the proceedings claiming that the evidence produced before the District Consumer Disputes Redressal Forum, Bhiwani was laced with fraud and misrepresentation.

5. Keeping in view the totality of facts and circumstances as mentioned earlier, no ground to interfere with the impugned orders (Annexure P-10 and P-11) passed by the courts below is made out and affirming the same, this petition, being devoid of any merit, is dismissed.

(Dr. Bharat Bhushan Parsoon)
Judge

January 07, 2015

'Yag Dutt'

1. Whether Reporters of local papers may be allowed to see the judgment? Yes
2. Whether to be referred to the Reporters or not? Yes
3. Whether the judgment should be reported in the Digest? Yes