

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

**C.R.M-M No.7533-2015 (O&M)
Date of Decision : 20.08.2015**

Mohan Lal

..... Petitioner

Versus

Dr. Anoop Singh Civil Hospital Mamdot & others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. N.K.Manchanda, Advocate
for the petitioner.

None for the respondents.

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

AJAY TEWARI, J. (Oral)

By this petition the petitioner has challenged the concurrent orders passed by the Courts below whereby his complaint was dismissed without summoning the respondents.

The petitioner had filed a complaint in the year 2011 that two years prior thereto the respondents had entered into his house, had assaulted him and his family members and had also used derogatory caste words. Both the Courts found that there was a delay of more than 2 years in filing the complaint and were not convinced by the reason advanced by the petitioner for the delay viz. that he had been

transferred from Mamdot to Bathinda. Both the Courts found that the distance between the two places was about 70-80 kms only and the petitioner could well have prosecuted his complaint. There was also no medical evidence of assault. Apart therefrom, the Courts also noticed the fact that the petitioner had mis-stated that he had no old enmity with the respondents and therefore came to the conclusion that on account of his old enmity false implication could not be ruled out.

Learned counsel for the petitioner has argued that once the petitioner was transferred out from Mamdot he could not file the complaint and that is why the delay occurred and the Courts have erred in only relying upon the delay to reject the claim of the petitioner.

In the first place, the mere fact that the petitioner was transferred out was not an insurmountable barrier for him to file the complaint. Secondly the Courts below have not only relied upon the that fact but also relied upon on other facts which have been mentioned above. In the entirety of circumstances, I am not persuaded to interfere in the revisional jurisdiction.

Petition is dismissed.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

20.08.2015

Pooja Sharma-I

**(AJAY TEWARI)
JUDGE**