

Date of Decision :15.01.2015

1. CRR (F) No. 156 of 2013

Sagar Lohiya

.....Petitioner

Versus

Vijender

..... Respondent

2. CRR(F) No. 166 of 2014

Vijender

.....Petitioner

Versus

Sagar Lohiya

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr.Atul Yadav, Advocate
for the petitioner in CRR No. 156 of 2013
and for the respondent in CRR No. 166 of 2014.

Mr.Rakesh Dhiman, Advocate
for the respondent in CRR No. 156 of 2013 and
for the petitioner in CRR No. 166 of 2014.

- i. Whether Reporters of local papers may be allowed to see the judgment?
- ii. To be referred to the Reporters or not?
- iii. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

These are two revision petitions, one revision(CRR No.156 of 2013) has been filed by the minor petitioner seeking enhancement of maintenance from the respondent-father. The cross revision(CRR No. 166 of 2014) has been filed by the respondent denying that the petitioner is his child.

The admitted facts are that the mother of the petitioner was married to the brother of the respondent who died in the year 1994. In the birth certificate of the petitioner the name of the respondent was recorded as his father and even in the admission certificate the same continued.

It is the case of the petitioner that after the death of her first husband his mother had married the respondent who was the younger brother and that is why his name has appeared as father in two documents. The petitioner has also placed on record photographs . A perusal of these photographs do give an indication that the respondent is holding the petitioner in his lap in a very paternal fashion. There is no explanation how these photographs came into existence or why the name of the respondent is reflected in the official record as being the father of the petitioner.

In the circumstances the revision filed by the respondent disputing his paternity i.e. **CRR No. 166 of 2014** is dismissed.

As regards the prayer for enhancement of maintenance i.e. **CRR No. 156 of 2013**, learned counsel has argued that the respondent is working as a sweeper in the Municipal Council and on that date was earning Rs. 8000/- per month and consequently the maintenance of Rs. 600/- is highly inadequate. Learned counsel for the respondent states that the respondent has other children also since he got married in the year 2011 and this factor may be kept in mind. It is not disputed that the petitioner is now 14 years old. Keeping all the factors in mind the maintenance is enhanced to Rs. 1400/- per month from the date of filing of the application. However, the respondent is granted six months time to pay the arrears of maintenance. The maintenance of the current month will be payable immediately.

(AJAY TEWARI)
JUDGE

January 15, 2015
sunita

**226/2 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRR No. 166 of 2014
Date of Decision :15.01.2015**

Vijender

.....Petitioner

Versus

Sagar Lohiya

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr.Rakesh Dhiman,Advocate
for the petitioner.

Mr.Atul Yadav, Advocate
for the respondent.

- i)Whether Reporters of local papers may be allowed to see the judgment?
- ii)To be referred to the Reporters or not?
- iii)Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

For orders see CRR No. 156 of 2014, Sagar Lohiya v. Vijender
decided vide order of even date.

**(AJAY TEWARI)
JUDGE**

**January 15, 2015
sunita**

257 CM-6973-CII-2014 in FAO-2347 of 1995

JASWANT SINGH VS MEHAR CHAND AND OTHERS

Present: Mr. Sagar Aggarwal, Advocate
for Mr. Ashit Malik, Advocate
for the applicant-appellant.

Mr.J.K.Verma, Advocate
for Mr.R.M.Suri, Advocate
for the non-applicant-respondent-insurance company.

This is an application for modification of the judgment. Originally the MACT had computed the compensation under issue No.2 but with regard to issue No.1 regarding negligence of the driver, held that there was no negligence of the driver but dismissed the claim petition. In appeal this Court overturned the decision on negligence and consequently held the applicant-appellants entitled to compensation worked out by the Tribunal. The prayer now made is that no provision was made by the Tribunal for interest since it had dismissed the claim and this Court also omitted to make any mention regarding interest. Learned counsel for the respondent-insurance company has fairly accepted this factual narration.

In view thereof the application has to be allowed and it is directed that the applicants will be entitled to interest at the rate of 8% p.a. from the date of filing of the claim application till the date of payment.

(AJAY TEWARI)
JUDGE

January 15, 2015
sunita

ARUR SINGH VS MEHAR CHAND AND OTHERS

Present: Mr. Sagar Aggarwal, Advocate
for Mr. Ashit Malik, Advocate
for the applicant-appellant.

Mr.J.K.Verma, Advocate
for Mr.R.M.Suri, Advocate
for the non-applicant-respondent-insurance company.

This is an application for modification of the judgment. Originally the MACT had computed the compensation under issue No.2 but with regard to issue No.1 regarding negligence of the driver, held that there was no negligence of the driver but dismissed the claim petition. In appeal this Court overturned the decision on negligence and consequently held the applicant-appellants entitled to compensation worked out by the Tribunal. The prayer now made is that no provision was made by the Tribunal for interest since it had dismissed the claim and this Court also omitted to make any mention regarding interest. Learned counsel for the respondent-insurance company has fairly accepted this factual narration.

In view thereof the application has to be allowed and it is directed that the applicants will be entitled to interest at the rate of 8% p.a. from the date of filing of the claim application till the date of payment.

(AJAY TEWARI)
JUDGE

January 15, 2015
sunita

Anil Kumar Gogna v. State of Punjab and others

Present: Mr.Vaibhav Sehgal, Advocate for the petitioner.

Mr.APS Gill, AAG, Punjab.

Reply has been filed. Taken on record. Learned AAG has stated that due to some communication gap the investigating officer from the NRI Wing has not come present. Seeks a short adjournment.

Adjourned to 27.01.2015.

(AJAY TEWARI)
JUDGE

January 15, 2015
sunita

222 CRM-A-371-MA of 2013

M/s Jatin Tyre v. Aman

Present: None for the appellant.

Ajay Tewari, J.(Oral)

The order sheet reveals that the appeal is being constantly adjourned for the last 1½ years. Today also none has entered appearance on behalf of the appellant even on second call.

Dismissed for want of prosecution.

**(AJAY TEWARI)
JUDGE**

**January 15, 2015
sunita**

118 CM No.11858 of 2014 in
RA No. 513 of 2014 in
CWP No. 7684 of 2009

Smt.Bedo v. State of Haryana and others

Present: Mr. Mr.Ashish Yadav,Addl.AG,Haryana
for the applicant-respondent-State.

Notice of the application to Mr. Ashwani Bura, Advocate for
the petitioner for 13.03.2015.

(AJAY TEWARI)
JUDGE

January 15, 2015
sunita

259 CM No. 21878-CII of 2014 in
FAO No. 1820 of 2014
Oriental Insurance Company Ltd. v. Harbans Kaur and others

Present: Mr. Ashok Kumar , Advocate
for the applicant-claimants.

Mr. N.K.Bibyan, Advocate
for Mr.Ashwani Talwar, Advocate for the insurance company.

An affidavit has been filed by the claimants to the effect that they have not received any amount in respect of damage of the vehicle from any other person. However, another dispute which has been raised was that the vehicle was registered in the name of some other person. Learned counsel for the claimants seeks a short date to respond.

Adjourned to 24.02.2015.

(AJAY TEWARI)
JUDGE

January 15, 2015
sunita

Toyyab and others

v.

State of Punjab and another

Present: Mr. Sanjeev Kr. Panwar, Advocate
for the petitioners.

Mr. Deepak Garg, AAG, Punjab.

Mr. Surinder Sharma, Advocate
for respondent No.2.

Learned counsel for the petitioners states that now the petitioner No.1 and the daughter of respondent No.2 have gotten married. Learned counsel for respondent No.2 states that he has no objection if the FIR is quashed but states that the petitioners have also filed a criminal complaint against respondent No.2 and he should withdraw the same. Learned counsel for the petitioners states that petitioners shall withdraw the said complaint. Let the parties appear before the Illaqa Magistrate on 05.03.2015 or any other date convenient to the Magistrate. The Illaqa Magistrate is directed to record the statements of both the parties to his satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Illaqa Magistrate is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal proceedings are pending against either of the parties or not before the next date of hearing. Let the petitioners also withdraw the complaint filed against respondent No.2.

Adjourned to 05.05.2015 for awaiting the report of the Illaqa Magistrate.

(AJAY TEWARI)
JUDGE

January 15, 2015
sunita

It is stated that now th parties have entered into a compromise,.
In the circumstances let the parties first record their statements before the
Illaqa Magistrate on 20.02.2015

Report on 08.04.20156.

Interim order to continue.

This is a petition for quashing of FiR

On 14.08.2014 the following order was passed:-

Report has been received from the trial court attesting to the fact that the compromise ha been effected between the parties. Learned Addl.AG states that the petitioner was declared a proclaimed offender. Learned counsel for the petitioner states that the petitioner had gone abroad for higher studies and he was never summoned. He has further relied upon 2-013 RCR(Criminal) 310 wherein in similar circumstances this Court quashed the FIR on the basis of compromise precisely on the same ground that the petitioner was not known to have been served secondly on the ground that once the compromise has taken place it would be a futile exercise. Learned AAG is not in a position to cite any contrary judgment.

Consequently the FIR is quashed.

Madan Lal Sharma v. Mahavir Prasad

Present: Mr.S.K.Sandhir, Advocate
for the petitioner.

Mr.Sumit Ahuja, Advocate
for the respondent.

The dispute in this case is that the petitioner abused the complainant and otherwise also mistreated him in March, 2006. As per rely a complaint was sent to the higher authorities. Learned counsel for the petitioner states that on 07.03.2014 the complainant had filed a complaint. Learned counsel for the petitioner states that this compliant is now shown to have been sent through registered post and there is no proof that it was ever sent.

In the circumstances I deem it appropriate to implead the State Bank of Patiala, Zonal Office, Leela Bhawan, Patiala through its Managing Director as respondent No.2. Registry is directed to make necessary correction in the memo of parties. Let the newly added respondent No.2 be now served for 05.05.2015.

Interim order to continue.

(AJAY TEWARI)
JUDGE

January 15, 2015
sunita

102 +211 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M No.567 of 2015 (O&M)
Date of Decision : 15.01.2015

Umesh Arora and another

.....Petitioners

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr.Sanjay Kaushal, Sr. Advocate with
 Mr. Arjun Shukla, Advocate for the petitioners.

Mr.S.P.Singh DAG, Haryana.

iv. Whether Reporters of local papers may be allowed to see the judgment?

v. To be referred to the Reporters or not?

vi. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

CRM No. 1397 of 2015

CRM allowed. Annexures P-6 and P-7 taken on record.

CRM-M No.567 of 2015

This is a petition for anticipatory bail filed in case bearing FIR
No. 718 dated 01.09.2014, under Sections 419, 420, 467, 468, 471 and 120-B
IPC, registered at Police Station Civil Lines, District Gurgaon.

The allegation is that the land of the complainant was sold by
impersonation and on the very next day it was further sold on a hefty profit.

Today learned senior counsel states that on the previous date
the statement which was made by the previous counsel was unauthorised
and, therefore, he wishes to argue on merits.

On merits learned senior counsel has argued that the one factor which strongly indicates that the petitioners are not involved is the fact that they got the sale deed registered in the name of petitioner No.2 and had they known about the conspiracy they would not have been so unwise to have got the sale deed registered in this manner as that would straight away lead to their door.

On the other hand learned DAG has argued that as per the record the amount of the second sale i.e. Rs. 1,60,00,000/-(Rupees One Crore Sixty Lacs) came in the joint account of petitioners No. 1 and 2 and, therefore, the mere fact that they got the sale deed registered would not be determinative because some times criminals also make mistakes.

Learned senior counsel has further argued that in the application for anticipatory bail filed by co-accused Rakesh and Dharambir it was the stand of the prosecution that they were the main conspirators but they have been granted bail. Learned DAG has countered by arguing that that bail was granted because there was no objective evidence of their involvement and even if one co-accused has been granted bail on a wrong premise it would not entitle another co-accused for the grant of bail.

Keeping in view the nature and enormity of the fraud and the facts, without commenting on the merits of the case I am not persuaded to grant anticipatory bail to the petitioners. The petition is dismissed.

(AJAY TEWARI)
JUDGE

January 15, 2015

sunita

208 CRM-M-39828-2014

RAMAN KUMAR VS STATE OF PUNJAB

Present: Mr. Mandeep Kaushik Advocate
for the petitioner.

Mr. Deepak Garg, Assistant Advocate General, Punjab

On request of learned counsel for the petitioner, adjourned to

16.01.2015.

(AJAY TEWARI)
JUDGE

January 06 , 2015
sunita

209 CRM-M-41246-2014
SAMEER SHARMA VS STATE OF PUNJAB

Present: Mr. , Advocate
 for the petitioner.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

(AJAY TEWARI)
JUDGE

January 06 , 2015
sunita

210 CRM-M-41261-2014

GURPREET SINGH VS STATE OF PUNJAB

Present: Mr. , Advocate
 for the petitioner.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

(AJAY TEWARI)
JUDGE

January 06 , 2015
sunita

211 CRM-M-16885-2014
SANDEEP VS STATE OF HARYANA

Present: Mr. , Advocate
 for the petitioner.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

(AJAY TEWARI)
JUDGE

January 06 , 2015
sunita

212 CRM-26833-2014

DILBAGH SINGH & ORS VS STATE OF PUNJAB AND ANR

Present: Mr. , Advocate
 for the petitioner.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

(AJAY TEWARI)
JUDGE

January 06 , 2015
sunita

213 CRM-34381-2014
SANJEEV @ SANJAY VS STATE OF HARYANA

Present: Mr. , Advocate
for the petitioner.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

(AJAY TEWARI)
JUDGE

January 06 , 2015
sunita

214 CRM-38373-2014
GURWINDER PAL SINGH VS STATE OF PUNJAB

Present: Mr. , Advocate
for the petitioner.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

(AJAY TEWARI)
JUDGE

January 06 , 2015
sunita

215 CRM-38545-2014
GURDEEP SINGH AND OTHERS VS STATE OF PUNJAB

Present: Mr. , Advocate
for the petitioner.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

(AJAY TEWARI)
JUDGE

January 06 , 2015
sunita

216 CRM-504-2011
ANJALI KUKAR VS M.M. LAL CHHABRA

Present: Mr. , Advocate
 for the petitioner.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

(AJAY TEWARI)
JUDGE

January 06 , 2015
sunita

217 CRM-A-416-MA-2012
TARUN KUMAR GOYAL VS KHURSHEED

Present: Mr. , Advocate
 for the petitioner.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

(AJAY TEWARI)
JUDGE

January 06 , 2015
sunita

218 CRM-A-1268-MA-2014
BACHITTAR SINGH VS MANJIT KAUR

Present: Mr. , Advocate
 for the petitioner.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

(AJAY TEWARI)
JUDGE

January 06 , 2015
sunita

219 CRM-35029-2014
RAJ KUMAR VS STATE OF PUNJAB

Present: Mr. , Advocate
 for the petitioner.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

(AJAY TEWARI)
JUDGE

January 06 , 2015
sunita

220 CRM-37157-2014

KARAMJIT SINGH @ GHAMMI VS STATE OF PUNJAB

Present: Mr. , Advocate
for the petitioner.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

(AJAY TEWARI)
JUDGE

January 06 , 2015
sunita

221 CRM-38367-2014
KAPIL KUMAR VS STATE OF PUNJAB

Present: Mr. , Advocate
 for the petitioner.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

(AJAY TEWARI)
JUDGE

January 06 , 2015
sunita

222 CRM-38998-2014
SATNAM SINGH VS STATE OF PUNJAB

Present: Mr. , Advocate
 for the petitioner.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

(AJAY TEWARI)
JUDGE

January 06 , 2015
sunita

223 CRM-39307-2014
KALA SINGH VS STATE OF PUNJAB

Present: Mr. , Advocate
 for the petitioner.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

(AJAY TEWARI)
JUDGE

January 06 , 2015
sunita

224 CRR-3730-2013
SEERA SINGH VS STATE OF PUNJAB

Present: Mr. , Advocate
 for the petitioner.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

(AJAY TEWARI)
JUDGE

January 06 , 2015
sunita

225 CRM-35881-2014
TARSEM SINGH VS STATE OF PUNJAB

Present: Mr. , Advocate
for the petitioner.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

(AJAY TEWARI)
JUDGE

January 06 , 2015
sunita

226 CRM-34963-2014
SUKHDEV SINGH VS STATE OF PUNJAB & ORS
Present: Mr. , Advocate
 for the petitioner.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

(AJAY TEWARD)
JUDGE

January 06 , 2015
sunita

227 CRM-M-19610-2014
GURTEJ SINGH VS STATE OF PUNJAB & ORS
Present: Mr. , Advocate
 for the petitioner.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

(AJAY TEWARD)
JUDGE

January 06 , 2015
sunita

228 CRM-M-38714-2014

KASHMIR SINGH VS STATE OF PUNJAB & ORS

Present: Mr. , Advocate
for the petitioner.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

(AJAY TEWARI)
JUDGE

January 06 , 2015
sunita

229 CRM-M-39550-2014
ASHOK KUMAR POPAL VS STATE OF PUNJAB & ORS

Present: Mr. , Advocate
 for the petitioner.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

(AJAY TEWARI)
JUDGE

January 06 , 2015
sunita

230 CRWP-540-2014
GURINDER SINGH VS STATE

Present: Mr. , Advocate
for the petitioner.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

(AJAY TEWARI)
JUDGE

January 06 , 2015
sunita

231 CRWP-1032-2014
PUNIT KUMAR VS STATE

Present: Mr. , Advocate
 for the petitioner.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

(AJAY TEWARI)
JUDGE

January 06 , 2015
sunita

232 CRM-M-5505-2011
DEEPAK KUMAR VS M/S HC CHOPRA & SONS

Present: Mr. , Advocate
 for the petitioner.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

(AJAY TEWARI)
JUDGE

January 06 , 2015
sunita

233 CRM-M-17802-2011

JAGJIT SINGH AND ORS VS BACHAN SINGH AND ANR

Present: Mr. , Advocate
for the petitioner.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

(AJAY TEWARI)
JUDGE

January 06 , 2015
sunita

234 CRR-3749-2014

ASHOK KUMAR SINGH VS PREETI KUMARI

Present: None.

In the interest of justice, adjourned to 05.05.2015.

**(AJAY TEWARI)
JUDGE**

**January 15, 2015
sunita**

235 CRM-M-5333-2014

RAJU BILLA ALIAS RAJ KUMAR VS STATE OF PUNJAB & ORS

Present: Mr. , Advocate
for the petitioner.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

(AJAY TEWARI)
JUDGE

January 06 , 2015
sunita

236 CRM-M-22979-2014

INDERJIT SINGH & ORS VS STATE OF PUNJAB & ANR

Present: Mr. , Advocate
 for the petitioner.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

(AJAY TEWARI)
JUDGE

January 06 , 2015
sunita

237 CRM-M-25184-2014
DALBIR SINGH AND ORS VS STATE OF PUNJAB AND ORS

Present: Mr. , Advocate
 for the petitioner.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

(AJAY TEWARI)
JUDGE

January 06 , 2015
sunita

238 CRM-M-29536-2014
RISHABH DEV SHASTRI & ORS VS STATE OF PUNJAB & ANR

Present: Mr. , Advocate
 for the petitioner.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

(AJAY TEWARI)
JUDGE

January 06 , 2015
sunita

239 CRM-M-40187-2014
PANKAJ RANA VS STATE OF PUNJAB & ANR

Present: Mr. , Advocate
 for the petitioner.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

(AJAY TEWARI)
JUDGE

January 06 , 2015
sunita

235 CRR-3793-2014
GURSEWAK SINGH VS BHUPINDER SINGH & ANR

Present: Mr. Rohit Sud , Advocate
 for Mr.R.M.Sharma, Advocate for the petitioner.

On request, adjourned to 05.05.2015.

(AJAY TEWARI)
JUDGE

January 15 , 2015
sunita

Bhupinder Singh v. State of Punjab and others

Present: Mr. Nirapjit Singh, Advocate
for Ms.G.K.Mann, Advocate for the petitioner.

Mr.Deepak Garg, AAG, Punjab.

Mr.Parveen Chauhan, Advocate for respondent No.4-
complainant.

Learned counsel for the respondent seeks one more opportunity
to file reply.

Adjourned to 05.05.2015.

(AJAY TEWARI)
JUDGE

January 15, 2015
sunita