

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

**RSA No.2464 of 2011 (O&M)
Date of Decision: October 12, 2015**

Krishan Kumar and others Appellants

vs.

Mandir Shri Govardhan Natha Jai and others Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Atul Gaur, Advocate for
Mr. Sumeet Goel, Advocate for the appellants.

1. *Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

Impugned in the present regular second appeal is the judgment and decree dated 24.02.2011 passed by learned Addl. District Judge, Karnal, whereby the judgment and decree dated 02.09.2009 passed by learned Civil Judge (Jr. Divn.), Karnal was reversed.

Briefly stated, the plaintiff had challenged the judgment and decree dated 25.05.1994 suffered by his father Kewal Krishan Bhatia in favour of defendant No.1 Mandir Shri Govardhan Nath Jai in Civil Suit No.683 of 1984.

I have heard learned counsel for the appellants and have also carefully gone through the case file.

First of all it is to be noticed that the judgment and decree was passed in the year 1994 and the present suit was filed in the year 2006 i.e. 12 years after the passing of the judgment and decree dated 25.05.1994. In the plaint, the plaintiff had claimed fraud and misrepresentation. However, no particulars of fraud and misrepresentation were given. Except the statement of the plaintiff, no evidence was led to prove that the signatures of the father of the plaintiff were not appended on the written statement or on the statement made before the court.

It was pleaded by the plaintiff that his father was seriously ill and was bed ridden. However, no medical evidence was produced in this regard.

On the other hand, the defendant produced the Advocate, who had appeared on behalf of the father of the plaintiff to prove that he had filed the written statement on the instructions of his client and also identified him in the Court.

It being so, there is no illegality or perversity in the findings of facts recorded by the lower court. No substantial question of law arises in the present appeal.

Hence, the present appeal stands dismissed.

October 12, 2015
sarita

(KULDIP SINGH)
JUDGE