

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

R.S.A.No.4402 of 2012 (O&M)

Date of Decision: February 19, 2015

M/s Surinder Nath Subhash Chander, Grain Market, Phillaur

...Appellant

Versus

Swarno & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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?

**Present: Mr.Deepak Arora, Advocate,
for the appellant.**

AMIT RAWAL, J. (Oral)

The present Regular Second Appeal is at the instance of the appellant-plaintiff against the judgment and decree of the Lower Appellate Court, whereby the judgment and decree of the trial Court were set-aside and the appeal filed by respondent-defendant No.2 has been accepted.

Mr.Deepak Arora, learned counsel appearing for the appellant-plaintiff, in support of his submissions, submits that the Lower Appellate Court has committed an illegality and perversity. Though the firm, at the time of the filing of the suit in 2005, was not registered but during the pendency of the suit, the firm was registered and, therefore, the firm was deemed to have been revived from the date of filing of the suit.

I am afraid, the aforementioned argument of the learned

counsel for the appellant-plaintiff is devoid of merit and is not able to cut an ice for the reason that even if the suit was to be revived from the date of registration, the claim of the respondent considerably would have been time barred, therefore, the judgment **M/s Raptakos Brett & Co. v. Ganesh Property, AIR 1998 Supreme Court 3085** cited, to contend that the suit should have been revived from the date of registration of the firm would not help/come to the aid of the appellant-plaintiff.

Learned counsel for the appellant-plaintiff further submits that at the best, the Court should have exercised jurisdiction by invoking the provisions of Order 7 Rule 11 CPC.

I am afraid, the aforementioned argument is also devoid of merit for the reason that the appellant-plaintiff invited the ire of the Court by leading evidence and framing of the issues. Both the Courts below have rendered a finding of fact and law, based on appreciation of oral and documentary evidence. No substantial question of law arises for determination of this Court.

Accordingly, the appeal is dismissed.

February 19, 2015
ramesh

(AMIT RAWAL)
JUDGE