

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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*C.M. Nos. 13121 and 13123-C of 2012 &
RSA No. 4712 of 2012*

Date of decision: 06.10.2015

Bhupinder Singh Chauhan

....APPELLANT

VERSUS

Kshatriya Sabha, District Ambala and another

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Amit Jain, Advocate,
for the appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

C.M. No.13121-C of 2012

Prayer in this application is for condonation of delay of 36 days
in re-filing the appeal.

For the reasons mentioned in the application, which is duly
supported by an affidavit of the Clerk of the counsel, the application is
allowed. Delay of 36 days in re-filing the appeal is condoned.

C.M. No.13123-C of 2012

Prayer in this application is permission of place on record the
certified copy of the application dated 03.03.2010 as Annexure P-1.

Prayer granted. The certified copy of the application dated
03.03.2010 is taken on record as Annexure P-1.

Application stands disposed of.

RSA No 4712 of 2012

Challenge in this appeal is to the judgment and decree dated 11.05.2009 passed by the Civil Judge (Junior Division), Ambala City, by which the suit for declaration to the effect that the plaintiff-Kshatriya Sabha, District Ambala represented by its office bearers as per the list supplied by the Registrar of Firms and Societies, Haryana is the real Kshatriya Sabha, District Ambala and the Sabha represented by the appellant-defendant No. 2-Bhupinder Singh Chauhan is not a genuine Sabha. This suit for declaration was primarily based upon an earlier litigation, which has culminated in favour of the respondents-plaintiffs in Civil Suit No. 570 between the parties, which was decided on 23.11.1996, against which no appeal was preferred by the appellant-defendant No. 2. Further a criminal complaint filed by the appellant before the Judicial Magistrate 1st Class, Ambala Cantt. against several accused including the General Secretary Sh. Sadhu Singh of respondents-plaintiffs-Sabha alleging therein that cheating and forgery has been committed by them, was dismissed. The revision petition preferred against the said order was also dismissed by the Additional Sessions Judge, Ambala.

Counsel for the appellant asserts that the judgments and decree passed by the Courts below do not appreciate the correct position with regard to the facts, as have been asserted by the appellant-defendant No. 2. He contends that the earlier litigation has not been properly appreciated in the right prospective and the findings thus, recorded on that basis cannot be sustained and deserve to be set aside. He accordingly prays for this appeal to be allowed.

I have considered the submissions made by the counsel for the

appellant but am unable to persuade myself to accept the same as on going through the impugned judgments, I am of the considered view that the findings recorded by the Courts below are on due and proper appreciation of the pleadings and the evidence brought on record.

The judgment passed by the Civil Judge (Junior Division) Ambala City in Civil Suit No. 570 dated 23.11.1996 having attained finality, is binding upon the parties as it was between the parties that the lis has culminated. The same also related to the issue, which is involved in the present case. Further, in the criminal complaint, which was preferred by the appellant-defendant No. 2-Bhupinder Singh Chauhan, the same having been dismissed by the competent Court and the revision also having been dismissed further justifies the orders, which have been passed by the Courts below. There being no illegality in the judgments and decree passed by the Courts below, which are impugned, no interference by this Court is called for.

There being concurrent findings recorded by the Courts below on the facts of the case, which have been found to be just and reasonable, there is no illegality or perversity in the impugned judgments passed by the Courts below. Further, no substantial question of law arises in the present appeal, which requires consideration of this Court.

In view of the above, finding no merit in the present appeal, the same stands dismissed.

October 06, 2015

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**