

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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RSA No. 5182 of 2013 (O&M)

Date of decision : July 9, 2015

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Gurbachan Singh

.....Appellant

Versus

Beant Singh and others

.....Respondents

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Mr. O.P Hoshiarpuri, Advocate for the appellant.

Respondents already ex parte vide order dated
24.3.2014.

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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?*

RITU BAHRI, J

Appellant-plaintiff has come up in this regular second appeal against the judgment dated 16.11.2011 passed by the Civil Judge (Senior Division), Ferozepur whereby the suit of the plaintiff was missed and the judgment dated 22.10.2013 passed by the Additional District Judge, Ferozepur, whereby an appeal against the judgment of the trial Court was dismissed.

Both the Courts have dismissed the suit of the plaintiff on the ground that he had not disclosed in his plaint that previously defendant Beant Singh had filed a suit for possession against him

qua the suit land which was decreed on 7.11.1989 in his favour. The plaintiff did not comply with necessary and mandatory provisions amended up to date. The defendants produced documents Ex. D-1 to Ex. D-5 which were photostat copies of the judgment dated 7.11.1989 passed by H.R Bhukkal, Sub Judge 1st Class, Ferozepur by which the suit filed by Beant Singh had been decreed. The plaintiff filed a Civil appeal under Section 96 of the Code of Civil Procedure, 1908 against the said judgment and decree which was dismissed on 8.10.1991 by D.S Chathha, Additional District Judge, Ferozepur.

The documents Ex. D-1 to Ex. D-5 were photostat copies of the judgment of the earlier litigation between the parties and they were de-exhibited being not certified copies of the judgment.

However, apart from looking into the above said judgments, the plaintiff in his cross-examination while appearing as PW-1 admitted that previously Beant Singh had filed suit for possession against him qua the suit land which was decreed on 7.11.1989 in his favour. Hence, apart from the documents, the admission of the plaintiff was sufficient evidence to dismiss the suit for non compliance of Order 7 Rule (i) (j) CPC amended up to date.

Counsel for the appellant while arguing the case today fairly stated that the plaintiff had been in possession for the last 30 years and vide judgment dated 7.11.1989 and 8.10.1991 suit of defendant-Beant Singh had been decreed for possession of the suit land.

In view of the above facts, judgments passed by both the Courts below does not suffer from any perverse findings of facts. No substantial question of law arises for consideration in this regular second appeal. Hence the same is dismissed.

July 9, 2015
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(RITU BAHRI)
JUDGE