

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

RSA No.1771 of 2015 (O&M)

Date of decision: 15.12.2015

Paramjit Kaur @ Pammi

... Appellant

Vs.

Sewa Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Rajbir Singh, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

The appellant-plaintiff is in Regular Second Appeal against the judgment and decree dated 30.07.2014 of the lower Appellate Court, whereby, the judgment and decree of the trial Court has been set aside, in essence, the appeal has been allowed.

Mr. Rajbir Singh, learned counsel appearing on behalf of the appellant-plaintiff submits that the lower Appellate Court has committed illegality and perversity in reversing the well reasoned judgment and decree of the trial Court which had decreed the suit. The lower Appellate Court was erroneously swayed away by assigning reason that defendant was proceeded against ex parte, much less, written statement had not been filed, therefore, the lower Appellate Court could not have taken into consideration the plea of

limitation, thus, there is illegality and perversity in the findings rendered by the lower Appellate Court, much less, substantial question of law arises for adjudication of the present appeal.

I have heard learned counsel for the appellant-plaintiff and appraised the judgments and decrees of the Courts below.

Article 74 of the Limitation Act provides limitation of one year to claim compensation for a malicious prosecution and the limitation started from the date of decision of criminal proceedings. Admittedly, the plaintiff was discharged on 21.01.2003, whereas, the suit has been filed on 03.06.2008 beyond 04 years than the prescribed limit. The plea that appellant pursued the issue before other competent authorities, like, Human Rights Commission and Police Authority and waited for the findings which arrived in the year 2007, therefore, suit in the year 2008 within limitation, is not sustainable.

Keeping in view the aforementioned observations, I do not intend to differ with the findings rendered by the lower Appellate Court, based upon the appreciation of oral and documentary evidence, much less, no substantial question of law arises for adjudication of the present appeal.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

December 15, 2015
savita