

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

**C.M. NOS.6662-6663 C OF 2015 &
R.S.A. NO.2579 OF 2015**

DATE OF DECISION: OCTOBER 12, 2015

Jogesh Kumar

.....Appellant

VERSUS

Rulia Ram

....Respondent

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

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

**Present: Mr. Munish Kumar, Advocate,
for the appellant.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

C.M. No.6662-C of 2015

Prayer in this application is for condonation of delay of 30 days in filing the appeal. The reasons for delay have been highlighted in the application, which are duly supported by an affidavit.

For the reasons mentioned in the application, the same is allowed and delay of 30 days in filing the appeal stands condoned.

C.M. No.6663-C of 2015 and R.S.A. No.2579 of 2015

Challenge in this appeal is to the judgement and decree passed by the Civil Judge (Junior Division), SBS Nagar, dated 25.11.2013, vide which the suit for recovery on the basis of a compromise dated 20.01.2009 has been decreed, appeal against which preferred by the appellant-defendant

dismissed by the District Judge, Shaheed Bhagat Singh Nagar at Nawanshahr on 09.12.2014.

It is the contention of counsel for the appellant that the respondent-plaintiff has not been able to prove with cogent evidence the execution of the compromise. He asserts that his signatures as also signatures of his brother were obtained on the blank papers and that too in the Police Station, which amply proves that it was not an agreement, which was entered into between the parties without any coercion or undue influence. He, thus, contends that the judgements and decree passed by the Courts below cannot sustain and deserve to be set-aside.

This contention of learned counsel for the appellant cannot be accepted, especially when the appellant-defendant has conceded in his cross-examination that compromise, Ex.P1, carries his signatures and also that of his brother. Nothing has been brought on record to prove, except for his bald statement, that their signatures were obtained on blank papers. Factum of dismissal of the suit as preferred by the appellant-defendant is also admitted. An assertion with regard to the said compromise having been obtained in a Police Station has also not been proved, especially when no complaint has been filed by the appellant-defendant with the senior police officers against the alleged action/act of the subordinate police officers, who had forced him and his brother to affix their signatures on blank papers in the Police Station. On the other hand, the respondent-plaintiff has been able to prove the execution of the agreement with cogent evidence. Even the witnesses, who had signed the said compromise, have deposed in favour of the respondent-plaintiff.

The findings recorded by the Courts below are, thus, on proper

appreciation of the pleadings and evidence brought on record, which cannot be faulted with.

Both the Courts below have returned concurrent findings after properly appreciating the evidence and the same cannot be interfered with as there is no perversity or illegality in the same.

No substantial question of law is involved in the present appeal. Therefore, finding no merit in the present appeal, the same stands dismissed.

Since the main appeal stands dismissed, C.M. No.6663-C of 2015 for staying the operation of the impugned judgements and decree passed by the Courts below is also dismissed.

**October 12, 2015
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**(AUGUSTINE GEORGE MASIH)
JUDGE**