

SAO No.15 of 2015 (O&M)

[1]

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

**SAO No.15 of 2015 (O&M)
Date of decision:10.02.2015**

Dr. A.M. Mathur

...Appellant

Versus

Harjinder Kaur (deceased) through her LRs

...Respondent

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Krishan Sehajpal, Advocate,
for the appellant.

Rakesh Kumar Jain, J.

CM No.3029-CII of 2015

For the reasons mentioned in the application, supported by an affidavit, the delay of 4 days in re-filing the present appeal is hereby condoned.

C.M. stands disposed of.

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The plaintiff-respondent filed a suit for recovery of ₹3 lacs against the defendant-appellant which was decreed on 14.02.2013. The trial Court decided issue no.2 with regard to jurisdiction of the Court at Jalandhar, observing that the defendant has neither produced any evidence in this regard nor argued on this issue, hence, the said issue was decided against the defendant.

The defendant-appellant filed the appeal which has been

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allowed by the impugned order dated 26.11.2014, judgment and decree of the trial Court has been set aside and the case has been remanded back to the trial Court with a direction to provide two opportunities to the plaintiff to produce PW1 and PW2 for cross-examination by the defendant and then provide two opportunities to the defendant to lead his evidence and then decide the case afresh on merit, in accordance with the law.

Still aggrieved, the defendant has filed the present appeal in which it has been argued that the Court at Jalandhar had no jurisdiction to decide the case.

After hearing learned counsel for the appellant and examining the available record, I am of the considered opinion that issue no.2, pertaining to jurisdiction of the Court at Jalandhar, was not even argued by the defendant as recorded in para no.14 of the judgment of the trial Court. Moreover, when the application was filed by the defendant regarding issue no.2, it was dismissed by the trial Court on 27.04.2012.

In view thereof, there is no error in the order of the Court below and hence, the present appeal is hereby dismissed being denuded of any merit.

February 10, 2015
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(Rakesh Kumar Jain)
Judge