

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

RSA No.4003 of 2014

Date of decision : 03.11.2015

Gurdial Singh

...Appellant

Versus

Kulwinder 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. D.S. Malwai, Advocate for the appellant.

AMIT RAWAL, J. (Oral)

The appellant-plaintiff is in Regular Second Appeal against the concurrent findings of fact, whereby suit for declaration challenging the judgment and decree dated 18.08.2005 executed in favour of respondent-defendant, has been dismissed.

Mr. D.S. Malwai, learned counsel appearing on behalf of appellant submits that plaintiffs, who are none else but the father and mother of the defendants, were compelled and misrepresented in approaching the Court by suffering a statement in favour of defendants. Realising the aforementioned fact, immediately suit for declaration was filed with, in essence, it was filed in September 2005. In the previous suit, matter was also referred for Mediation for compromise but the compromise

was not effected. Even the suit was amended without issuing notice to the present plaintiff and this fact has not been noticed by the Courts below and thus, there is illegality and perversity.

I have heard learned counsel for the appellant and appraised the paper book.

The Courts below found that out of the total land measuring 211.11 square yards which the appellant-plaintiffs owing, as per the judgment and decree dated 18.08.2005, only land measuring 135.11 square yards has been given to the defendant. Thus, the appellant-plaintiffs are not deprived of the entire land. The appellant-plaintiffs have failed to prove the signatures on the written statement and vakalatnama were not theirs and Oath Commissioner who attested the affidavit deposed that it was Gurdial Singh and his wife Naranjan Kaur who themselves appended their signatures on account of their own volition. Thus, there was no pressure or coercion practiced upon them.

In my view, the ingredients of Order 6 Rule 4 of Code of Civil Procedure have not been proved, much less, discharged.

I do not intend to differ with the findings rendered by the Courts below as they are based upon appreciation of the oral and documentary evidence, much less, no substantial question of law arises for determination.

Accordingly, appeal is dismissed.

03.11.2015

pawan

**(AMIT RAWAL)
JUDGE**