

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 5936 of 2014(O&M)
Date of decision :February 26, 2015

Smt. Pushpa Devi

..... Appellant

Versus

Krishan Kumar alias Pappu and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Devender Nirban (Rao), Advocate
for the appellant.

1. Whether reporters of local papers 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?

Amit Rawal, J (oral).
CM No.14091-C of 2014

This is an application under Section 5 of Limitation Act seeking condonation of delay in filing the appeal.

For the reasons stated in the application, which is duly supported by an affidavit, delay in filing the appeal is condoned.

The application stands disposed of.

RSA No. 5936 of 2014(O&M)

This Regular Second Appeal at the instance of the appellant-plaintiff is directed against the judgment and decree of the lower appellate court whereby the lower appellate court has directed

the defendant to re-imburse a sum of ₹2,07,000/- to the appellant-plaintiff the expenditure as alleged to have incurred on account of performance of marriage of her daughter-Sheetal.

Learned counsel appearing on behalf of the appellant-plaintiff submits that the claim of the appellant-plaintiff before the trial court and lower appellate court was to re-imburse ₹5 lacs stated to have taken as loan for performance of marriage of her daughter whereas the lower appellate court has committed illegality and perversity in granting a sum of ₹2,07,000/- .

I have heard learned counsel appearing on behalf of the appellant-plaintiff, and am of the view that the present appeal is devoid of merits and is liable to be dismissed for the following reasons.

The suit for declaration against the respondent-defendant who is none else but divorced husband of the appellant-plaintiff for re-imbursement of ₹5 lacs stated to have taken by a private loan to perform the marriage of her daughter. Copy of the divorce petition has not been brought on record to show what were the terms and conditions of granting loan whether it was the contested one or on the basis of compromise.

It has also come on record that the respondent-defendant had been paying maintenance under Section 125 of the Code of Criminal Procedure. Despite the fact that the respondent-defendant had been paying a compensation the lower appellate court without considering the equities granted the relief by directing the respondent-defendant to re-imburse to the appellant-plaintiff a sum of

₹2,07,000/-.

I do not find any illegality or perversity in the findings rendered by the lower appellate court in not granting the relief of ₹5 lacs as prayed by the appellant-plaintiff.

No substantial question of law arise for determination by this Court.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

February 26 , 2015
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