

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

**CWP No. 23983 of 2015
Date of decision: 10.05.2016**

Manvirinder Singh

....Petitioner

Versus

Subhash Singla and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Mr. J.S. Toor, Advocate,
for the petitioner.

Paramjeet Singh Dhaliwal, J. (Oral)

The instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari, declaring the decree dated 05.10.2015 (Annexure P-3) passed by respondent No.3-Civil Judge (Junior Division), Patiala in Civil Suit No. 904-T of 05.02.2005 titled as “Subhash Singla and another Vs. Apar Kaur” as nullity, whereby infact the suit was alleged to have been dismissed but subsequently has been shown as decreed.

Learned counsel for the petitioner vehemently contends that the computerized record which has been annexed with the writ petition as Annexure P-1, clearly indicates that the case was adjourned by the trial Court from time to time for arguments, thereafter for many dates for orders. He further contends that actually the trial Court pronounced its decision dismissing the civil suit on 05.10.2015 but when the copy of judgment was received it was

noticed that the suit has been decreed. On the same day, an application for permission to lead rebuttal evidence was filed, the same was also decided. Reference has been made to the last paragraph of order dated 05.10.2015 (Annexure P-2) which reads as “*vide separate detailed judgment of even date, suit of the plaintiff stands decreed with costs*”. In these circumstances, the application in hand was dismissed. Reference has further been made to para No. 8 of the writ petition, wherein data obtained from the computer system has been produced wherein date of decision has been mentioned as 05.10.2015 and case status has been referred to as 'case disposed of' and nature of disposal has been mentioned as 'contested-dismissed'. It is averred that these entries have been taken from the data base of the concerned district Court. He further contends that under Order 20 Rule 1 of the CPC, the pronouncement of judgment, when dictated in Court is not required to be signed by the Judge and is deemed to be a valid.

I have considered the contentions raised by learned counsel for the petitioner and perused the record.

Firstly, against a judgment and decree the remedy is by way of appeal. Secondly, disputed facts are involved, which cannot be appreciated in writ jurisdiction. These can either be agitated on judicial side in the appropriate proceedings i.e. appeal or on the administrative side before the High Court but not under Article 226 of the Constitution. The judgment cannot be set-aside in this manner. Moreover, on earlier date of hearing the Registrar was called to

enquire whether any complaint has been received. It was brought to the notice of the Court that the complaint was received from the petitioner, which has been dealt with on the administrative side.

Accordingly, the present petition is dismissed with liberty to the petitioner to avail the remedy either on administrative side or on the appellate side.

10.05.2016

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(Paramjeet Singh Dhaliwal)
Judge