

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

R.S.A.No.2014 of 2011 (O&M)

Date of Decision: May 02, 2016

Gram Panchayat Bhawanipur, Tehsil and District Kapurthala

...Appellant

Versus

Parveen Kumar

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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?

Present: Mr.Ish Puneet Singh, Advocate,
for the appellant.

Mr.Divjyot Singh Sandhu, Advocate,
for the respondent.

AMIT RAWAL, J. (Oral)

Appellant-defendant Gram Panchayat is aggrieved of the concurrent findings of facts, whereby the suit for recovery of ₹2,43,000/- filed at the instance of the respondent-plaintiff, has been decreed and the trial Court, on the basis of the oral and documentary evidence, ordered for return of the lease money owing to the fact that the Gram Panchayat did not provide the amenities as agreed to.

Mr.Ish Puneet Singh, learned counsel appearing on behalf of the appellant-defendant submits that the judgments and decrees of both the Courts below are not sustainable in the eyes of law, much less suffer from illegality and perversity. The appellant-defendant has been prevented to lead evidence as the Court below closed the evidence by order. The said order has been challenged by taking a ground in the grounds of appeal, but the

same has not been looked into. He further submits that all the facilities and amenities, as agreed, have been provided, whereas the respondent-plaintiff has failed to lead any evidence in this regard and, thus, urges this Court to formulate the substantial questions of law as culled out in the grounds of appeal.

Mr. Divjyot Singh Sandhu, learned counsel appearing on behalf of the respondent-plaintiff submits that the judgments and decrees, under challenge, have already been satisfied and the amount, so ordered, i.e., return of the lease money along with interest has already been satisfied and the execution petition has been consigned, thus, no substantial question of law arises for determination by this Court.

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

The judgments and decrees under challenge are most innocuous as the lease deed, having entered into between the respondent-plaintiff and the appellant-Gram Panchayat, was not acted upon in letter and spirit on its terms and conditions and once the decree has been satisfied, no cause of action survives for setting-aside the impugned judgments and decrees, whereby concurrent findings had been arrived at by both the Courts below after appreciating the oral and documentary evidence.

In view of the foregoing reasons, no substantial question of law arises for determination. There is no merit in the appeal. The same is accordingly dismissed.

May 2, 2016
ramesh

(AMIT RAWAL)
JUDGE