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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-2129-2015 [O&M]

Date of Decision : February 9th, 2016

Habib

.... Appellant

Versus

Sub Divisional Officer, Dakshin Haryana Bijli Vitran Nigam Limited
and others

.. Respondents

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

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. Sarfraj Hussain, Advocate,
for the appellant.

SHEKHER DHAWAN, J.

Present Regular Second Appeal is directed against the concurrent findings of both the Courts below, whereby suit for declaration with consequential relief of permanent injunction, filed by plaintiff-appellant was dismissed by the Court of first Instance vide judgment and decree dated 19.1.2015. The appeal filed by the appellant was also dismissed by learned Additional District Judge, Mewat vide judgment and decree dated 13.03.2015.

2. Learned counsel for the appellant submitted that all the documents were manipulated and illegal gratification of Rs.50,000/- was demanded by the Junior Engineer, who had conducted the alleged raid,

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However, this plea has not been considered by the Courts below.

3. Having considered the submissions made by learned counsel for the appellant, this Court is of the concerned view that the aforesaid plea has already been considered by both the Courts below and concurrent findings have been returned that the appellant had failed to prove this fact by leading any cogent evidence. Otherwise, the case of the respondents is duly proved. There is nothing on the file to interfere in the concurrent findings of both the Courts below. There is no substantial question of law involved in the present appeal and hence, the same is not maintainable under Section 100 of the Code of Civil Procedure. Such a view was taken by Hon'ble Supreme Court in case **Santosh Hazari Vs. Purushottam Tiwari (Dead) by LRs., JT 2001(2) SC 407.**

4. In view of the above, the present Regular Second Appeal stands dismissed.

(SHEKHER DHAWAN)
JUDGE

February 9th, 2016
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