

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 5833 of 2015(O&M)
Date of decision : January 15, 2016

Randhir Singh Randhawa

..... Appellant

Versus

Baljit Kaur alias Rani

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Ranjan Lakhanpal, 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).

The appellant-defendant is in Regular Second Appeal against the finding rendered by both the courts below whereby damages to the tune of ₹1 lac has been awarded.

Learned counsel appearing on behalf of the appellant submits that the suit filed on behalf the plaintiff-respondent is ex facie based upon false hood, much less no defamation has been done. Even the plaintiff did not step into the witness box to support the averment, therefore, both the courts below have committed illegality and perversity and erroneously decreed the suit. Thus, substantial question of law arise for determination by this Court.

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

The question which remain to be adjudicated is whether the respondent-plaintiff had proved the alleged damages or not. The trial court after noticing the evidence brought on record in para No. 21 gave the following finding:-

“Under the above stated circumstances, now the only question remains to be adjudicated upon is that whether the plaintiff has proved her case against all the defendants or not? After going through the para no.6 of the plaint, where it has been specifically mentioned that “Defendant Nos.2 to 20 instigated the defendant no.1 to make an application to make an application to the Deputy Commissioner, Jalandhar containing false imputations. In conspiracy with each other the defendant no.1 made an application on 13.07.2006 to the Deputy commissioner, Jalandhar, containing false allegations. Thus the defendant nos.2 to 20 abetted the defendant no.1 to commit an offence of defamation by appending their signatures on the application. Other persons also signed the same without intending to commit any offence.” From the above stated stand taken by the plaintiff, it is clear that it was duty of the plaintiff to prove the fact that defendants No.2 to 20 had instigated and abated defendant No.1 to file this defamatory application against plaintiff. But, from the perusal of the entire evidence as has been discussed in detailed above, I find no evidence qua instigation and qua abatement on the part of defendant No.2 to 20. But the plaintiff has claimed his claim only against defendant No.1, because, here plea taken by the defendants is applicable to the fact that the plaintiff has to stand on his own legs, but plaintiff has failed

to prove her case against defendants NO.2 to 20. So, under these circumstances, by going through the document EX.PW3/A, it is clear that defamatory language qua character of the plaintiff has been made by defendant NO.1, as he has written the fact that plaintiff is in the habit of filing false complaints against different persons after tearing her clothes and getting lodged the false complaints against the persons whom she wants to oppress, such is character of said Baljit Kaur Rani. It has also been written in the said application that said Baljinder Kaur Rani grabbed the property of GHUMAR community and converted into the Dargah. It has also been written that Baljit Kaur hales from a family of criminal back ground and since the said Rani is a lady of desperate nature, nobody dare to challenge her acts, fair or foul. So, by holding the fact that the such wordings are defamatory of nature, the plaintiff is entitled for the recovery of Rs.1,00,000/- alongwith interest at the rate of 6% per annum from the date of filing this suit, from defendant NO.1. As such, issue No.1 is decided in favour of the plaintiff and against the defendants and Issue No.4 is decided against the defendants and in favour of the plaintiff.”

Even the plea of limitation has been dealt with in extenso. The finding rendered by the trial court and affirmed by the lower appellate court, in my view, is based on appreciation of oral and documentary evidence. I do not find any illegality or perversity in the aforementioned judgments and decrees of the courts below.

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

In view of what has been observed above, the appeal is devoid of merits, accordingly, the same is dismissed.

(AMIT RAWAL)
JUDGE

January 15 , 2016
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