

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

Date of decision: 22.03.2017

RSA No.5583 of 2016 (O&M)

Ajaib Singh

...Appellant

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. H.S.Dhindsa, Advocate, for the appellant.

RAJIV NARAIN RAINA, J. (ORAL)

Heard.

No ground to interfere with the pure findings of fact recorded by the Courts below is made out when arrived at after appreciating the evidence on record.

The appellant's claim for salary for 5 years from 2003 till the suit was filed in 2008 has been disbelieved by both the Courts below for good and sufficient reasons. The suit for recovery of money was filed after retirement. No question of law whatsoever arises in this appeal for consideration on the second appeal side of this Court in the face of concurrent findings of fact twice over. Even erroneous findings of fact are not open to correction in regular second appeal, unless they give rise to a substantial question of law. Thus, I find that interference within the jurisdiction of Section 100 of the Code of Civil Procedure or Section 41 of the Punjab Courts Act, 1918 is not warranted in this appeal. Accordingly, the appeal fails and is dismissed.

22.03.2017
Vimal

**[RAJIV NARAIN RAINA]
JUDGE**

Whether speaking/reasoned:

Yes

Whether Reportable:

No