

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

RSA-1709-2016 (O&M)

Date of decision: August 21, 2018

Surinder Singh

...Appellant

Versus

Gurdev Kaur and others

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Aayush Gupta, Advocate for the appellant.

Rajan Gupta, J.

Present appeal has been preferred to impugn findings of two courts below on the ground that same are perverse and based on misappreciation of evidence.

Plaintiff/appellant filed a suit against the defendant/respondents for recovery of Rs.2,00,000/- on account of damages and mental harassment due to civil litigation between the parties. It is alleged by the plaintiff that he was owner of property, situated at Raikot Road, Mullanpur Dakha, Distt. Ludhiana. As Balwant Singh, husband of defendant No.1 and father of defendants No.2 to 5 had tried to take possession of some part of his property, plaintiff had to file a civil suit against him. Balwant Singh had also filed civil suit against the plaintiff regarding the same property. Ultimately, suit filed by Balwant Singh was dismissed and the suit of plaintiff was decreed by the civil court at Ludhiana. Appeals filed by Balwant Singh were also dismissed. It is pleaded that due to civil litigation instituted by the defendants, plaintiff

suffered mental torture and agony. He accordingly filed instant suit for recovery of Rs.2.00 lacs as damages. Suit was resisted by the defendants by raising certain preliminary objections *inter alia* that suit is false and frivolous and same is liable to be dismissed with exemplary costs as plaintiff had no locus standi to file the suit. They denied ownership of the plaintiff over the property in dispute and it was alleged that defendants No.2 to 5 were still residing in the said property and the matter is still pending adjudication in this Court. Other averments made in the plaint were also denied. Issues were framed by the trial court. After hearing both the parties and perusing the records, the trial court dismissed the suit filed by the plaintiff. It observed that plaintiff had failed to prove that his reputation was lowered due to the litigation between the parties and as such, he is not entitled to recovery the amount as claimed in the suit. Findings were affirmed by the lower appellate court.

Only plea raised before this court is that judgments of two courts below are based on misappreciation of evidence as well as law. I find no substance in this plea. A perusal of concurrent findings of two courts below reveals that same suffer from no infirmity. No other substantial question of law has been urged.

Dismissed.

(RAJAN GUPTA)
JUDGE

August 21, 2018
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No