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

**RSA-1987-2016 (O&M)
Date of decision : 23.02.2018**

Hardev Singh

... Appellant(s)

Versus

Smt. Amar Kaur and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. V.K. Shukla, Advocate
for the appellant.

AMIT RAWAL, J. (ORAL)

CM-5275-C-2016

For the reasons stated in the application, which is duly supported by an application, the application is allowed and the LR of respondent Nos.3, 4 and 7 are ordered to be brought on record for the purpose of prosecuting the appeal.

RSA-1987-2016

The appellant-plaintiff is aggrieved of the concurrent findings of fact, whereby the suit for recovery of ₹5,20,000/- claiming damages on account of having lowered down his reputation by the defendants, had been dismissed by both the Courts below.

It would be apt to give preface of the matter before adverting to the rival contention of learned counsel for the parties.

The appellant-plaintiff instituted the suit stating therein that he

was working as Assistant Engineer in the PWD Public Health Department,

whereas defendant Nos.2 to 14 was inimical to him and had a long drawn litigation. Defendant No.1 was dancing on the tunes of defendant Nos.2 to 14 and filed an application before the DSP Dakha on 19.01.2002, which was marked to SHO P.S. Dakha. On conducting inquiry in the presence of Village Panchayat and villagers, report was submitted to DSP Dhaka, whereby the plaintiff was exonerated from the alleged allegations. Defendant No.1 made a request for enquiry by the senior officers. The plaintiff was compelled to make a representation to the SSP Jagraon and DGP Internal Vigilance Cell, Chandigarh for inquiry by a senior officer. The outcome of the inquiry was that the allegations contained in the application submitted by the defendant(s) were false and baseless. Defendant No.1 moved another application at the instance of other defendants with the sole motive to put the plaintiff to a wrongful loss. In this regard, the reputation of the plaintiff had touched its lowest ebb as he suffered both mentally and physical. The plaintiff was called several time by the police. He consulted with the advocate to take legal advice and suffered legal charges of ₹ 20,000/-. It is, in this background of the matter, the suit aforementioned was filed.

The suit was contested by the defendant No.1 by filing the written statement on the ground that the there was no alliance between defendant No.1 and defendant Nos.2 to 14. No inquiry was conducted by the police officials, even there was no such report of having conducted the inquiry by the DSP. Defendant Nos.2 to 14 have also filed their separate written statement by stating that it was a case on account of previous enmity as the plaintiff had filed a complaint under Section 379, 380, 427, 506, 148, 149 IPC, against defendant Nos.2 to 6 and another complaint under Sections

323, 452, 506, 148, 149 IPC, even a criminal revision bearing No.61 of 1998 filed by the plaintiff was dismissed by the Additional Sessions Judge, Ludhiana, vide order dated 07.07.1999. Two civil suits bearing No.126 of 1988 and 280-A of 1988 filed by the plaintiff against defendant Nos.2 to 4 were also decided against the plaintiff vide order dated 13.11.2000. The appeal preferred thereto also met with the same, thus, the suit was not maintainable and liable to be dismissed.

The trial Court below on the basis of the oral and documentary evidence dismissed the suit on ground that the plaintiff miserably failed to prove the ingredients of damages. The appeal taken before the lower Appellate Court also met with the same fate.

Learned counsel for the appellant-plaintiff submits that the appellant-plaintiff in support of his case examined himself as PW-1 and further examined PW-2 Avtar Singh, PW-3 Sukhwant Singh Sarpanch, PW-4 Sh. Paramjit Singh Gorya DSP, who conducted the inquiry and found the application submitted by the defendant was false and baseless, that evidence was enough for the Courts below to form an opinion that reputation was lowered in the eyes of public/society. He was unnecessarily involved and harassed by defendant No.1 at the instance of defendant Nos.2 to 14. All these factors have not been noticed by the Courts below, thus, there is abdication, much less illegality and perversity.

I have heard the learned counsel for the appellant-plaintiff submits that there is no force and merit in the submissions of Mr. Shukla, for, the allegations made in the written statement had not been denied by the plaintiff regarding filing of the complaints and criminal revision. From the perusal of Ex.PX, it came to the light that there was land dispute between

the plaintiff and defendant Nos.2 to 4, which was decided on 07.08.2007. As per Ex.D-1, in the year 1997, the plaintiff lodged a complaint with the police against the defendant-Mukhtiar Singh etc. and the accused were acquitted on 07.12.2011. From Ex.D-2, it is revealed that the plaintiff also filed another complaint against the defendant-Mukhtiar Singh, who was acquitted on 08.03.2011. All these proceedings proved on record show that the suit was filed as the plaintiff was nursing a grudge against the defendants and not on account of lowering down of the reputation. The plaintiff in fact could not digest the defeat in the earlier round of litigation and was nourishing a rancour, which has not been proved to the hilt.

For the foregoing reasons, I do not find any illegality and perversity in the judgments and decrees rendered by the Courts below as the same are based upon the appreciation of oral and documentary evidence, much less, no substantial question of law arises for determination, accordingly, the present regular second appeal is dismissed.

23.02.2018 Yogesh Sharma	(AMIT RAWAL) JUDGE
	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No