

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

108

RSA-6156-2016 (O&M)

Date of Decision : 18.09.2018

Multan Singh

..... Appellant

Versus

Paramjit Singh

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. R.K. Singla, Advocate
for appellant.

AJAY TEWARI, J. (ORAL)

This appeal has been filed against the concurrent judgments of the courts below decreeing a suit filed by the respondent whereby he challenged the ex-parte judgment and decree dated 11.06.1998 in respect of a plot which had been purchased by the respondent prior thereto.

It was the case of the respondent that the appellant had managed this false decree about the said plot by wrongly having him declared as an ex-parte. It was further pleaded by the respondent that he had filed a suit for possession against the appellant but in the written statement to that suit, the appellant had never even pleaded about the decree which he had obtained. It was further pleaded by the respondent that he came to know about the fraudulent decree after about 5 years on 10.02.2013 when the appellant referred thereto in the mutation proceedings.

The case of the appellant was that the earlier sale deed dated 08.06.1993 which the respondent propounded was a forged and fabricated

(from whom the respondent alleged that he purchased the plot) much earlier on 24.05.1993.

The courts below found that in the earlier suit which the appellant had filed, the first report of the process server regarding the service on the respondent was that he had left the given address. Even after the receipt of the above said report, the appellant did not make any attempt to furnish the correct or actual address of the respondent and it was only on the basis of the registered notice issued at the same address that the court had proceeded against him ex-parte. It was the conclusion of both the courts below that the same was not a valid service. The courts below also noticed that when the suit for possession was filed by the respondent, the appellant never took up the plea in the written statement to that suit that he had already obtained a decree against the respondent.

Counsel for the appellant has not been able to show me how the findings of fact recorded by the courts below are either based on no evidence or based on such a perverse misreading of evidence so as to justify interference of this Court in second appeal.

Appeal is dismissed. No costs.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(**AJAY TEWARI**)
JUDGE

September 18, 2018

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Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No