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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-54-2018 (O&M)
Date of decision : 20.02.2018

Surinder Kumar Kundra

... Appellant(s)

Versus

Kamaljit Singh Kamal

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Ms. Himani Kapila, Advocate
for the appellant(s).

AMIT RAWAL, J. (ORAL)

The appellant-plaintiff is aggrieved of the findings rendered by the lower Appellate Court, whereby the judgment and decree of the trial Court decreeing the suit claiming a sum of ₹1 lacs on account of defamation against the defendant, has been modified.

Learned counsel appearing on behalf of the appellant-plaintiff submits that the respondent-defendant had been making frivolous and baseless complaints to the police against the appellant-plaintiff of having links to the terrorist. All the complaints were consigned found to be bereft of any substance. The aforementioned complaints have been placed on record through the testimony of various witnesses, as indicated in paragraph 4 of the judgment of the trial Court, yet the Courts below declined to grant the relief. In fact the reputation of the appellant-plaintiff was lowered down in the eyes of the relatives, public and society, thus, there is a illegality and perversity and urges this Court for setting aside the impugned judgment and

decree, under challenge.

I have heard the learned counsel for the appellant and appraised the paper book and of the view that there is no merit and force in the submissions of Ms. Himani Kapila, as for the purpose of claiming the aforementioned relief, the appellant-plaintiff was required to prove on record the statement of the person, whereby his reputation had been lowered down owing to the frivolous complaints made by the defendant. It has also not been ascertained or brought on record whether such complaints were duly published in the newspapers lowering down the image/reputation of the appellant-plaintiff. In the absence of the same, in my view, the appellant-plaintiff has failed to discharge the onus as enshrined under Section 101 of the Indian Evidence Act.

For the foregoing reasons, I do not find any illegality and perversity in the judgment and decree rendered by the lower Appellate Court as the same is 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.

20.02.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

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Whether speaking/reasoned Yes/ No

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Whether Reportable Yes/ No