

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

RSA No.2803 of 2015 (O&M)

Date of decision:13.02.2019

Ravti Devi and another ... Appellants

Vs.

Secretary, Post & Telecom Department, New Delhi and others
... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Surender Deswal, Advocate
for the appellants.

AMIT RAWAL J. (Oral)

C.M.No.6935-C of 2015

For the reasons stated in the application which is duly supported by an affidavit, delay of 100 days in re-filing the appeal is condoned.

C.M. stands allowed.

RSA No.2803 of 2015 (O&M)

Short point involved in the present Regular Second Appeal is whether the plaintiffs can seek the declaration with consequential relief of mandatory injunction against the Telecom Department with regard to transfer of account by co-depositors, namely, Mahender Kumar and his wife Suman Devi, in the absence of their statements, the answer is 'No'.

The plaintiffs challenged the notice dated 14.07.2005 issued by respondent No.4-Head Post Master, Head Post Office, Sonapat. The Post Master cannot be held responsible and honour the interest and other benefits.

The plaintiffs examined Satpal, Mahabir Singh, Rajiv Kumar and Hari Singh etc. failed to examine the aforementioned witnesses for cross-examination. In the absence of the same, even if the passbook at one point of time was issued in favour of the plaintiffs, arrangement between private individuals, Department of Post Office cannot be grinded once there was no privity between them. The alleged consent of Suman Devi was not admissible in evidence in the absence of her statement or identification.

As an upshot of my findings, there is no illegality and perversity in the concurrent findings of fact and law to form a different opinion than the one arrived at by the Courts below. No substantial question of law arises for adjudication of the present appeal.

Resultantly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

February 13, 2019
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No