

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

**RSA No.5225 of 2016 (O&M)
Date of Decision.24.01.2019**

Guru Jambheshwar University of Sciences and Technology, Hisar
...Appellant

Vs

Rajinder Yadav
...Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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

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AMIT RAWAL J. (ORAL)

The appellant-plaintiff/University was though successful in seeking recovery of ₹1 lakh as damages on account of defamation attributed to the defendant but the lower Appellate Court dismissed the suit.

It is a matter of record that criminal complaint of such nature under Section 499/500 IPC was filed by the appellant but the same resulted into dismissal. Be that as it may, the genesis of the suit was that defendant was awarded a contract for canteen in the University for a period of one year, which was extended as he was providing good services. After vacation of premises, he allegedly circulated pamphlets against the University, resulting into accrual of cause of action.

Mr. Vinod Gupta, learned counsel appearing for the appellant submitted that there was sufficient piece of evidence for the lower Appellate Court to form an opinion, as civil suits are decided on merits and any judgment of the criminal court would not have any binding effect.

I am afraid aforementioned argument of Mr. Gupta is not sustainable, as appellant-plaintiff miserably failed to prove that pamphlets were distributed and typed/published by the defendant. Except tendering of the instances and the news items, no other evidence has been led. Newspaper items are not piece of evidence, which could be looked into for adjudication of the suit. Plaintiff miserably failed to prove such instances. The trial Court abdicated in awarding damages of ₹1 lakh, which has been corrected by the lower Appellate while allowing the appeal.

In view of such circumstances, I do not find any illegality and perversity in the judgment and decree rendered by the lower Appellate Court, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. Resultantly, the second appeal is dismissed.

(AMIT RAWAL)
JUDGE

January 24, 2019
Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No