

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

RSA No.1082 of 2018(O&M)
Date of decision: 24.09.2019

Ram Rashpal Singh

... Appellant

Versus

Gurcharan Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present: Mr. Gurminder Singh, Advocate, for
Mr. Brijeshwar Singh Bhalla, Advocate for the appellant.

ARUN PALLI, J. (Oral)

The suit filed by the appellant-plaintiff was dismissed by the trial court vide judgment and decree dated 19.08.2015. As even the appeal preferred against the said decree failed and was dismissed by the appellate court on 01.03.2017, he is before this Court in Regular Second Appeal. Parties to the lis, hereinafter, shall be referred to by their original positions in the suit.

Suit for recovery of Rs.2,00,000/- was filed by the plaintiff on account of damages and defamation for the defendants used derogatory language and made casteist remarks against him.

Per contra, the defendants denied the occurrence and maintained that the present suit was nothing but mere a tactic on the part of the plaintiff to extract money from them.

Upon a consideration of the matter and evidence on record, both the Courts concurrently concluded that occurrence, when the defendants alleged to have used derogatory remarks against the plaintiff,

took place on 07.01.2011. Whereas the present suit for damages was filed on 06.01.2014, i.e. after a lapse of more than three years. Therefore, in reference to the provisions of Article 76 of the Limitation Act, which postulates that the maximum time prescribed for filing a suit for compensation for slander was one year, and the limitation commence from the date when the words were spoken or, if the words are not actionable in themselves, when the special damage complained of results, the present suit having been instituted after a lapse of more than three years of the alleged occurrence was hopelessly time barred.

The argument advanced by learned counsel for the appellant that upon a complaint filed by the plaintiff against the defendants under Section 3(1) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, they were convicted by Additional Sessions Judge, Amritsar vide judgment dated 23.09.2013 and, therefore, cause of action to maintain a suit for damages for slander arose on the said date and consequently, the period of limitation shall commence from 23.09.2013, lacks conviction and cannot be countenanced. A bare reading of the provisions of Article 76 envisage, in no uncertain terms, that for compensation for slander the limitation to file a suit is one year from the date when the words are spoken and, therefore, the conviction of the defendants in criminal proceedings would neither have any bearing upon the provisions of Article 76 and its operation.

On being pointedly asked, learned counsel for the appellant could not refer to anything on record to show if the conclusions arrived at by both the Courts were either contrary to the record or suffered from any material illegality.

Thus, no ground is made out to interfere with the concurrent findings recorded by both the Courts. The appeal being devoid of merit is accordingly dismissed.

(Arun Palli)
Judge

24.09.2019
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO