

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

RSA No.4275 of 2017 (O&M)

Date of decision:01.02.2019

Kulwinder Singh

... Appellant

Vs.

Paramjit Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Vinod K. Kaushal, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

The appellant-plaintiff has been non-suited by both the Courts below in claiming the mandatory injunction thereby issuing necessary direction to the defendant to hand over the blank stamp papers and the cheque book of Oriental Bank of Commerce bearing specific account number which was handed over for the surety purpose with a consequential relief restraining the defendant from interfering and dispossessing the plaintiff from the suit land on the premise that defendant threatened the plaintiff to pay the money, otherwise blank stamp papers and cheque would be used.

The defendant was proceeded against ex parte. The plaintiff examined three witnesses and brought on record jamabandi for the year 2011-12, Ex.P1 and photocopy of bank passbook first page Mark A.

Learned counsel appearing on behalf of the appellant-plaintiff submitted that in the absence of contest by the defendant, uncontroverted pleadings prima facie proved the case of the plaintiff, thus, there is illegality and perversity in the impugned judgments and decrees.

I am afraid the argument is bereft of any logic or not sustainable, for, the plaintiff miserably failed to discharge the onus with regard to issuance of blank stamp papers and cheque as neither any month, date or year has come on record.

The appeal is also accompanied by an application seeking condonation of delay of 35 days in filing the appeal. The application is bereft of the reasoning.

The appeal is dismissed on merit as well as on limitation.

(AMIT RAWAL)
JUDGE

February 01, 2019
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No