

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

RSA No.5078 of 2018(O&M)
Date of decision: 30.09.2019

Harnam Singh

... Appellant

Versus

Malkiat Singh

... Respondent

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

Present: Mr. G.S. Sandhu, Advocate for the appellant.

ARUN PALLI, J. (Oral)

Suit filed by the appellant-plaintiff was dismissed by the trial Court vide judgment and decree dated 01.03.2017. And as even the appeal preferred against the said decree failed and was dismissed on 05.02.2018, 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.

A suit for recovery of an amount by way of compensation/damages as found due and recoverable from the defendant for having willfully, intentionally and maliciously causing loss to the reputation and liberty of the plaintiff was filed by the plaintiff.

In brief, the case set out by the plaintiff was that defendant to grab 8 marlas of land owned by the plaintiff, and to achieve this ulterior purpose, started moving complaints against him and his son Nirmal Singh one after the other, which were duly inquired into by the concerned authorities including the police department. In fact, the defendant happened to be the nephew of the plaintiff and was even advised by the plaintiff to

desist himself from filing false complaints against them, but to no effect.

Thus, the suit.

In defence, the defendant denied the claim of the plaintiff and maintained that he did not suffer any loss at his instance. Further, the Court lacked territorial jurisdiction to try the present suit, for no cause of action had arisen to the plaintiff within the territorial jurisdiction of the Court.

Upon consideration of the matter in issue and the evidence on record, both the courts concurrently concluded that plaintiff in his cross-examination conducted on 30.01.2016, had stated: ***“I do not have any documentary proof that I reside at Faridkot. It is correct that I am registered as a voter at village Basti Mohammad Ali Shah. I am also having a ration card at village Basti Mohammad Ali Shah. I have filed the present suit with regard to the dispute of 8 marlas of land and such land is situated at Phullar. I have got no grievance in this case except the dispute of land as stated by me. The present suit has been filed by me for the grant of possession of 8 marlas of land from defendant- Malkiat Singh.”***

And a perusal of his testimony revealed that he failed to establish that he ever resided at Faridkot. Further, inquiry reports Ex.P1 & Ex.P2, application of Malkiat Singh Ex.P3, report dated 06.05.2010 Ex.P4, report of DSP Ex.P5, Ex.P6 and endorsement as Ex.P7 were filed at Ferozepur. Plaintiff failed to rebut, if any cause of action had arisen to him to file the present suit as regards any act continued within the jurisdiction of this Court. Significantly, the plaintiff did not know the nature of the suit filed by him, and even the relief sought therein. He conceded in his statement that he filed the present suit with regard to dispute of 8 marlas of land, which was

situated at Phullar, whereas in the suit at hands the plaintiff was seeking compensation by way of damages.

On being pointedly asked, learned counsel for the appellant failed to refer to anything on record to show if the conclusions recorded by the Courts were either contrary to record or suffered from any material illegality. 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

30.09.2019
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO