

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

CM Nos. 4969-71-C-2020 in/and

RSA No. 1576 of 2020

Date of Decision: 13.10.2020

Union of India and others

...Appellants

Vs

Raj Rani (since deceased) and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Namit Kumar, Advocate and
Mr. Alankrit Bhardwaj, Advocate,
for the applicant-appellants.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

CM-4970-C-2020 and

CM-4969-C-2020

These are applications seeking condonation of delay of
13 days in filing and 78 days in refilling the appeal.

For the reasons stated in the application, the same are
allowed and delay stands condoned.

Main case

Defendants are in second appeal before this Court
having suffered adverse concurrent findings by both the Courts
below.

2. Raj Rani, widow of the predeceased employee too has expired during pendency of the appeal and the department i.e. Union of India is now pursuing its claim against the legal heirs of deceased Raj Rani.

3. After analyzing the evidence produced by the parties, the trial Court vide judgment and decree dated 24.10.2016 allowed the suit in favour of the plaintiff. Defendants filed first appeal, which was dismissed by reaffirming the findings returned by the trial Court vide judgment and decree dated 03.05.2019. Hence, the instant regular second appeal.

4. Having gone through the concurrent judgments passed by the Courts below, no grounds to interfere are made out particularly in view of the fact that issue No.3 qua jurisdiction of the trial Court on its own volition was not pressed by the appellant-Union of India.

5. Accordingly, neither the trial Court nor the Appellate Court committed any irregularity in law in deciding the said issue against the appellant.

6. There seems no perversity or illegality in the concurrent findings of facts returned by the Courts below on appreciation of evidence. No interference is thus called for to

disturb the concurrent findings of facts recorded by the Courts below. No fresh ground worthy of interference in the appellate jurisdiction of this Court is made out.

7. Furthermore, neither any question of law much less substantial question of law, which is sine qua non for entertaining second appeal before this Court is involved in present appeal, so as to exercise appellate 5 of 6 jurisdiction under Section 41 of the Punjab Courts Act read with Section 100 of Civil Procedure Code.

8. In view of my discussion above and the reasons recorded therein, this appeal is dismissed being bereft of any merit. Resultantly, both the impugned judgments and decrees passed by learned Courts below are upheld.

9. Pending applications stand disposed of.

10. No order as to costs.

OCTOBER 13, 2020
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No