

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

RSA-3777-2019 (O&M)

Date of decision: 16.05.2022

Pakhar Singh

....Appellant

Versus

Jai Dev Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

ANIL KSHETARPAL, J (Oral)

While assailing the concurrent findings of fact arrived at by the courts below, the plaintiff has filed the present appeal. His suit for grant of damages for malicious prosecution, financial loss, mental harassment, agony and defamation has been dismissed by both the courts below. The plaintiff claims that the defendants have instituted various suits and registered a FIR against him. Both the courts below have found that the suit filed by predecessor-in-interest of the defendants was decreed on 16.08.2007. Both the courts below have also found the suit filed by the plaintiff is time barred because he did not file the suit within the period of one year, when he was acquitted by the court as per Article 74 of the Schedule attached to the Limitation Act, 1963.

Heard learned counsel representing the appellant at length and with his able assistance perused the paper book. Learned counsel representing the appellant contends that the dispute with regard to the possession of the property does not entitle the respondents to file a criminal case. He submits that both the courts below have erred in dismissing the suit.

It is evident that the parties were litigating to establish their possession. The suit filed by Chanchal Singh, predecessor-in-interest of the respondents, in which the plaintiff was a party, was decreed on 16.08.2007. Since the parties were claiming their respective possession, the defendants filed FIR no. 13 claiming trespass in the property. No doubt, the appellant was acquitted, however, the suit for malicious prosecution could be filed only within a period of one year from the date of acquittal. Admittedly, the suit was beyond the time prescribed, as per the Schedule of the Limitation Act, 1963.

Hence, no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

16.05.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE