

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 103

Civil Revision No.2834 of 2021
Date of Decision: December 09, 2022

Rama Shankar Yadav

..... PETITIONER(S)

VERSUS

The Managing Committee, Mandi Fentonganj, Jalandhar & another

..... RESPONDENT(S)

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CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

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PRESENT: - Mr. Abhinandan Jindal, Advocate, for Mr. Manmeet Singh Rana, Advocate, for the petitioner.

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Tribhuvan Dahiya, J (Oral)

This revision petition has been filed under Article 227 of the Constitution of India for setting aside orders dated 09.09.2021 (Annexure P-3) and 23.09.2016 (Annexure P-1).

2. An application filed by respondent No.1/defendant No.1 under Order VII Rule 11 CPC was allowed, and the plaint was rejected by the trial Court vide order dated 23.09.2016 (Annexure P-1). Appeal against the same was dismissed by the lower appellate Court vide order dated 09.09.2021 (Annexure P-3).

3. A perusal of the impugned order shows that this is third round of litigation by the petitioner-plaintiff. The plaintiff had filed a suit for declaration on the ground that award dated 12.10.1998 passed by the Labour Court, Jalandhar, was an outcome of fraud and concealment. As apparent from the facts on record, challenge to the award by the plaintiff before this

Court was declined, vide order dated 09.11.2012, passed in the case titled *Shri Rama Shanker Yadav Vs. The Presiding Officer and others* bearing Civil Writ Petition No.22368 of 2012. The SLP preferred against the order dated 09.11.2012 was dismissed by the Supreme Court. It was only thereafter that the suit in question was instituted on the ground that the Labour Court award was vitiated on the ground of fraud. Such a suit on the face of it cannot be filed, nor has the civil Court any jurisdiction to decide the same after challenge to the award in question has been declined up to the Supreme Court. Besides, the suit is barred by the principle of *res judicata*.

4. In view of the aforesaid, there is no ground to interfere with the impugned order.

Dismissed.

(Tribhuvan Dahiya)
Judge

December 09, 2022
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No