

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106

CM-2412-C-2023 in/&
RSA-5995-2019 (O&M)
Date of Decision :17.03.2023

Uttar Haryana Bijli Vitran Nigam Limited
and others

...Appellants

Versus

Vikas Kawatra

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R.S. Longia, Advocate for the appellants.

* * *

Harsimran Singh Sethi, J. (Oral)

CM-2412-C-2023

Present application has been filed for recalling the order dated 07.02.2023 passed by this Court by which, the main regular second appeal was dismissed for non-prosecution.

Keeping in view the averments made in the application, which are duly supported by an affidavit, application is allowed. Order dated 07.02.2023 passed by this Court is recalled and the main appeal is ordered to be restored to its original number and status and is taken up for hearing today itself.

CM-17046-C-2023

The present application has been filed for condonation of delay of 33 days in filing the present appeal.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed. Delay of 33 days in filing the present appeal is condoned.

CM-17045-C-2023

The present application has been filed for condonation of delay of 41 days in re-filing the present appeal.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed. Delay of 41 days in re-filing the present appeal is condoned.

RSA-5995-2019 (O&M)

Present regular second appeal has been filed against the judgment and decree of the trial Court dated 07.03.2015 by which, the suit filed by the respondent-plaintiff was allowed as well as against the judgment and decree of the Lower Appellate Court dated 13.2.2019 by which, the appeal filed by the appellant against the judgment and decree of the trial Court dated 07.03.2015, was dismissed.

Learned counsel for the appellants argues that the Courts below have not considered the facts and evidence on record in a correct perspective so as to arrive at a finding recorded in the impugned judgments.

The said argument itself means that the appellants wants this Court in the present regular second appeal to re-appreciate the evidence on record in order to arrive at a different conclusion. It is a settled principle of law that in the regular second appeal any perversity in the judgments and decrees of the Court below can be gone into but the argument that the evidence on record should be re-appreciated in a manner so as to record a different finding to that one recorded by the Courts below, is not

permissible.

On being asked to point out the perversity in the judgments and decrees of the Courts below, learned counsel for the appellants has not been able to point out even a single perversity either on facts or on law. In the absence of any perversity being pointed out by the learned counsel for the appellants in the judgment and decrees of the Courts below, no ground for interference by this Court is made out and the present regular second appeal is accordingly dismissed.

CM-17047-C-2023

Application is also dismissed.

March 17, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No