

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

229

CM-5861-C-2018 in/&
RSA-2147-2018 (O&M)
Date of Decision :05.05.2023

Sanjiv Kumar

....Appellant

Versus

Rajesh Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sarfraj Hussain, Advocate for the appellant.

* * *

Harsimran Singh Sethi, J. (Oral)

CM-5861-C-2018

As prayed for, application is allowed.

RSA-2147-2018

Present regular second appeal has been filed against the concurrent findings recorded by the Courts below by which, the suit filed by the appellant-plaintiff claiming damages, was dismissed.

Learned counsel for the appellant-plaintiff argues that the claim of the appellant-plaintiff for the grant of damages has been rejected on the ground that no document has been brought on record to prove that appellant-plaintiff suffered any loss in the alleged incident. Learned counsel for the appellant submits that Courts below have recorded a finding that even the incident being alleged has not been proved whereas, inadvertently a wrong FIR was produced before the Court hence, appellant-plaintiff should have been granted enough time to rectify the mistake so as to bring on record

correct FIR.

Present is a second regular appeal and in case a wrong FIR was brought on record, the same fact could have been rectified by the appellant-plaintiff before the trial Court itself. Nothing has been pointed out as to whether or not any application was filed for additional evidence so as to bring on record the correct FIR. Even in the appeal filed, or even in the regular second appeal, no such application is filed to bring on record any such correct FIR, which supports the claim of the appellant-plaintiff. Rather, in the present regular second appeal, appellant-plaintiff is trying to base his claim on the basis of FIR, which is not part of the record even as of now, Hence, it cannot be said that judgments and decrees of the Courts below are perverse in any manner.

Further, learned counsel for the appellant-plaintiff was requested to point out any valid ground to claim damages but the same has not been considered by the Courts below but learned counsel has not been able to point out any such perversity in the findings recorded by the Courts below. In the absence of any evidence being brought out before the Court for seeking damages, no ground is made out for interference by this Court.

No other argument raised.

Present regular second appeal is accordingly dismissed.

May 05, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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