

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(104)

CM No.3123-C of 2023 in/and
RSA No.5587 of 2017 (O&M)
Date of Decision : 13.04.2023

Ashok Kumar

...Appellant

Versus

Jagjit Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rajat Dogra, Advocate for the appellant.

Mr. Ankit Gupta, Advocate for
Mr. Arjunveer Sharma, Advocate
for the respondent.

Harsimran Singh Sethi J. (Oral)

CM No.3123-C of 2023

The present application has been filed for recalling the order dated 13.03.2023, by which, the present appeal was dismissed for non-prosecution.

Mr. Ankit Gupta, Advocate, who is present in the Court, accepts notice on behalf of the respondent and raises no objection for the grant of the prayer as made in the present application.

Keeping in view the averments made in the application, which is duly supported by an affidavit, the same is allowed. The order dated

13.03.2023 is recalled and the Regular Second Appeal alongwith applications is restored to its original number and status.

On oral request of learned counsel for the parties, case is taken up for hearing today.

RSA No.5587 of 2017

Learned counsel for the appellant argues that the view taken by the Courts below is liable to be reconsidered by this Court on the basis of facts and evidence, which have come on record as the said view is not correct.

It may be noticed that in the Regular Second Appeal, the jurisdiction of this Court is to examine whether there is any perversity in the findings recorded by the Courts below keeping in view the facts and evidence, which have come on record. The appellant cannot ask this Court that the evidence should be re-appreciated in a manner, which suits the appellant and that too, without pointing out any perversity in the judgments of the Courts below impugned in the Regular Second Appeal.

In the present case, the endeavour of the appellant is to re-argue the case before this Court so that this Court should re-appreciate the facts and evidence on record so as to record a finding, which suits the appellant. The said argument cannot be accepted as this Court does not have jurisdiction to re-appreciate the facts and evidence on record so as to arrive at a different conclusion than the one arrived at by the Courts below. Further, learned counsel for the appellant has not been able to point out any perversity in the judgments of the Courts below so as to seek any intervention of this Court.

No other argument has been raised by learned counsel for the

appellant.

Keeping in view the facts and circumstances of the case, no interference is called for by this Court in the Regular Second Appeal.

Dismissed.

CM No.15556-57-C of 2019

Applications stand disposed of.

April 13, 2023
jt

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No