

2024:PHHC:007105

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Surjeet Kaur (deceased) through LRs **...Appellant**

Sudarshan Kaur and another ...Respondents

Present: Mr. Saurabh Singh, Advocate for
Mr. Rajeev Kawatra, Advocate
for the appellant.

1. In this regular second appeal, the plaintiff assails the correctness of judgment and decree passed by the First Appellate Court, which in turn has reversed the judgment and decree passed by the trial Court.

2. In substance Surjeet Kaur, the appellant filed a suit for grant of decree of declaration that the consent decree passed by the Court on 08.08.1985, was a result of misrepresentation. The aforesaid consent decree was passed in favour of Sudarshan Kaur and against Surjeet Kaur. Surjeet Kaur is aunt of Sudarshan Kaur. In the previous suit, Surjeet Kaur admitted the claim of Sudarshan Kaur by filing a written statement through her counsel Sh. M.L. Mehta, Advocate. Thereafter, she

appeared in the Court and suffered statement admitting the suit filed by Sudarshan Kaur. The suit was decreed on 08.08.1985. Sudarshan Kaur sold the property in favour of Sadda Singh on 28.01.1987, whereas, Surjeet Kaur filed the suit on 24.08.1987. Though, the trial Court decreed her suit, however, the First Appellate Court on re-appreciation of evidence, reversed the judgment and decree passed by the trial Court resulting in dismissal of her suit.

3. Heard the learned counsel representing the parties at length and with their able assistance perused the paper-book alongwith requisitioned record.

4. Learned counsel representing the appellant submits that the judgment and decree passed on 08.08.1985, was not proved because Sh. M.L. Mehta, Advocate failed to recognize her.

5. This Court has considered the submissions of the learned counsel representing the parties. It is evident that the previous decree was passed after Smt. Surjeet Kaur filed the written statement. Thereafter, she herself appeared in the Court and suffered statement, which is Ex. D1 on the record. Furthermore, by filing the suit, the appellant claims that she was brought to the Court premises by misrepresentation. She does not deny her appearance in the Court in the previous suit.

6. In such circumstances, it is not necessary that the Advocate who has just met the client once in life will recognize her after a long

period of six years.

7. The First Appellate Court has recorded detailed reasons while reversing the judgment of the trial Court. Learned counsel representing the appellant failed to point out any other substantive error in the judgment of the First Appellate Court.

8. Hence dismissed.

(ANIL KSHETARPAL)
JUDGE

18.01.2024

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Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No