

In the High Court of Punjab and Haryana, at Chandigarh

Regular Second Appeal No. 1093 of 2021

Date of Decision: 26.02.2024

Parveen Saini alias Pari and Others

... Appellant(s)

Versus

Ram Kishore Saini

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Amit Jain, Advocate
for the appellant(s).

Anil Kshetarpal, J.

1. The Regular Second Appeal in the States of Punjab and Haryana and Union Territory, Chandigarh is governed by Section 41 of the Punjab Courts Act, 1918 and not by Section 100 of the Code of Civil Procedure, 1908, as held by a five Judge Bench of the Supreme Court in *Pankajakshi (Dead) through LRs v. Chandrika and Others (2016) 6 SCC 157*.

2. In this regular second appeal, the plaintiffs assail the correctness of the concurrent findings of facts arrived at by both the Courts below while dismissing their suit for recovery of ₹5,00,000/- as damages for malicious prosecution at the hands of defendant. It has come on record that the parties to the litigation are engaged in multiple litigations filed against each other. It has also come on record that the plaintiffs and the defendant are related to each other. Both the Courts below have found that the plaintiffs have failed to lead any evidence to prove that the defendant has

maliciously filed a criminal complaint. In this case, the onus is on the plaintiffs to prove that the criminal complaint, which was so dismissed, was filed with malafide intention.

3. Keeping in view the aforesaid facts, no ground is made out to interfere with the concurrent findings of facts arrived at by both the Courts below. Hence, the present appeal is dismissed.

(Anil Kshetarpal)
Judge

February 26, 2024
“DK”

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