



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

106

RSA-5939-2019 (O&M)
Reserved on : 17.01.2025
Date of Decision : 21.01.2025

Jaspal Singh

... Appellant(s)

VERSUS

Amarjit Singh

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. P.P.S. Duggal, Advocate for the appellant.

ALKA SARIN, J.

CM-16960-C-2019

1. This is an application for condonation of delay of 83 days in refiling the appeal.
2. For the reasons stated in the application, delay of 83 days in refiling the appeal is condoned. CM stands disposed off.

CM-16964-C-2019

3. This is an application for condonation of delay of 21 days in filing the appeal.
4. For the reasons stated in the application, delay of 21 days in filing the appeal is condoned. CM stands disposed off.

RSA-5939-2019

5. The present appeal has been preferred by the plaintiff-appellant challenging the judgments and decrees dated 08.08.2018 and 26.11.2018 passed by the Trial Court and the First Appellate Court, respectively, dismissing his suit for recovery of compensation/damages.

6. The brief facts relevant to the present *lis* are that the plaintiff-appellant filed a suit for recovery of compensation/damages of Rs.6,00,000/- against the defendant-respondent averring that he was a labourer and was married. The defendant-respondent had filed a divorce petition against his wife in which the plaintiff-appellant was also impleaded as a defendant. In the divorce petition the defendant-respondent had levelled allegations that his wife had illicit relations with the plaintiff-appellant. This allegation came to the knowledge of the villagers and the plaintiff-appellant suffered a lot of mental harassment, pain and agony and also felt ashamed and the behaviour of the villagers changed towards him, and he also suffered economic loss. As per the plaintiff-appellant the allegations of illicit relations were levelled to defame him and that the reputation and prestige of the plaintiff-appellant and his family also suffered. Thus, the suit for recovery of compensation/damages. The suit was contested by the defendant-respondent who raised preliminary objections regarding maintainability, cause of action, suppression of material facts, suit having been filed to grab money were levelled. It was the stand taken that the divorce petition was allowed on 08.01.2016 on the allegations made therein. It was denied that defendant-respondent had levelled false allegations against the plaintiff-appellant or that any loss was caused to the plaintiff-appellant.

7. On the basis of pleadings of the parties the following issues were framed :

1. Whether the plaintiff is entitled for recovery of Rs.6,00,000/-as prayed for ? OPP
2. Whether the present suit is not maintainable ? OPD
3. Whether the plaintiff has concealed the true and material facts from the court ? OPD
4. Whether the plaintiff has no cause of action to file the present suit ? OPD
5. Relief.

8. The Trial Court dismissed the suit vide judgment and decree dated 08.08.2018. Aggrieved by the same, an appeal was preferred by the plaintiff-appellant which appeal was also dismissed by the First Appellate Court vide judgment and decree dated 26.11.2018. Hence, the present regular second appeal.

9. Learned counsel for the plaintiff-appellant would contend that the Courts below have erred in dismissing his suit. It is urged that the defendant-respondent had levelled false allegations in his divorce petition and that the plaintiff-appellant had no connection with the wife of the defendant-respondent. It is contended that the divorce matter was ultimately settled by the husband and wife and that the plaintiff-appellant and his family had suffered because of the false allegations levelled against him. Learned counsel argued that the Courts have erred in non-suiting his claim.

10. I have heard the learned counsel for the plaintiff-appellant.

11. In the present case, on a cumulative reading of the pleadings and oral and documentary evidence produced on the file, it is not established that the plaintiff-appellant is entitled to compensation/damages for malicious prosecution. In order to claim compensation/damages for malicious prosecution, it was incumbent upon the plaintiff-appellant to prove the ingredients of malicious prosecution, which are : (1) that the plaintiff was prosecuted by the defendant; (2) that the prosecution terminated in favour of the plaintiff; (3) that the prosecution was malicious and (4) that it was without reasonable and probable cause. The plaintiff-appellant has failed to meet the requirements of law to be successful in his claim for compensation/damages. He has been unable to substantiate that the divorce proceedings terminated in favour of the plaintiff-appellant or that the filing of the divorce petition by the defendant-respondent was malicious or that it was without reasonable and probable cause.

12. In view of the concurrent findings of fact returned by both the Courts, no fault can be found with the judgments and decrees passed by both the Courts. No question of law, much less any substantial question of law, arises in the present case. The appeal being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

21.01.2025
Ankur

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO