
(1998) 12 P&H CK 0088

In the Punjab And Haryana At Chandigarh

Case No : Regular Second Appeal No. 1738 of 1998, C.M. Nos. 3194-C and 6090-C of 1998

Mehla APPELLANT

Vs

Sita RESPONDENT

Date of Decision : 16-12-1998

Acts Referred:

Citation : (2001) 1 PLJ 85 : (2000) 4 RCR(Civil) 639

Hon'ble Judges : T.H.B.Chalapathi, J

Advocate : Mr. S.S. Sodhi, Advocate, Mr. Arihant Jain, Advocate., Advocates for appearing Parties

Judgement

T.H.B. Chalapathi, J.—This appeal is directed against the decree and judgment of the learned Additional District Judge, Sangrur, in Civil Appeal No. 373 of 1992, dated April 30, 1998.

2. I am constrained to set aside the impugned judgment and decree of the learned Additional District Judge, Sangrur, solely on the ground that the Additional District Judge has not considered any of the contentions raised before him. In paragraph 8 of his judgment, the learned Additional District Judge said as follows :

"I have heard arguments of the learned Counsel for parties and have gone through the trial Court record."

3. Then in paragraph 9 of the judgment, he concluded the judgment as under :

"The learned Counsel for appellant/plaintiff could not point any defect in the judgment under Appeal. Otherwise, I have gone through the judgment under Appeal and find the same to be well reasoned judgment and all the issues have been decided correctly. So, this Civil Appeal has no merit and the same is hereby dismissed with costs."

4. In my view, this is no judgment at all in the eye of law. The learned Additional

District Judge has forgotten the fact that the first appellate Court is a final court of fact and it has to deal with the issues independently on the basis of the material on record. The first appellate Court cannot dispose of the matter by saying that the trial Court judgment is a wellreasoned judgment and all the issues have been decided correctly. It is the bounden duty of the first appellate Court to deal with the issues and the evidence and then give his own findings either confirming or reversing the findings of the trial Court. The judgment of the Additional District Judge is most unsatisfactory. I am left with no option except to set aside the impugned decree and judgment of the learned Additional District Judge, Sangrur, and remand the matter to him for fresh disposal in accordance with law. The appeal is directed to be disposed of within 4 months from today.