

CASE NO.:
Appeal (civil) 2900 of 2002

PETITIONER:
VASANTI (D) BY LRS. & ORS

RESPONDENT:
RAMULAL (D) BY LRS. & ORS

DATE OF JUDGMENT: 25/03/2008

BENCH:
H.K. SEMA & MARKANDEY KATJU

JUDGMENT:
JUDGMENT

O R D E R

CIVIL APPEAL NO. 2900 OF 2002

This appeal has been preferred by the defendant against the order passed by the High Court in Second Appeal reversing thereby the concurrent finding of facts recorded by the two courts below.

The sole question involved in this appeal is as to whether the name of the plaintiff's father is Batti Lal or Lalmun. The evidence recorded by the trial Court and by the first appellate Court shows that the plaintiff was recruited in Telegraphs Workshop in 1946 after attaining the age of 20 years. In that the plaintiff recorded his father's name as Batti Lal. Other documentary evidence also shows that the name of the plaintiff's father is Batti Lal. For the first time, the High Court has reversed the findings of fact recorded by the two courts and held that the name of the plaintiff's father is Lalmun. It is well settled that in second appeal the High Court cannot interfere with findings of fact.2.

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We, accordingly, set aside the order of the High Court passed in Second Appeal and restore the findings recorded by the trial Court and affirmed by the first appellate Court. The appeal is allowed. No costs.