

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

CM Nos.3980-81-C of 2012 and
RSA No.1481 of 2012 (O&M)
Date of decision: 23.7.2015

Madhu Jain and others

..... Appellants

Versus

Khem Chand and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Sudhir Aggarwal, Advocate, for the appellants.

RAJESH BINDAL, J

Challenge in the present appeal is to the judgments and decrees of the learned courts below, vide which the suit filed by respondent No.1/plaintiff for permanent injunction was decreed.

The present applicants/appellant were not parties to the litigation. It is claimed that they purchased the suit property, after the passing of the judgments and decrees of the learned lower appellate court vide two sale deeds dated 23.8.2010 and 24.12.2010. Along with the appeal, application has been filed seeking permission to file appeal. Besides that another application has been filed seeking condonation of delay of 478 days in filing the appeal.

Applicants/appellants No.1 and 2 are the buyers of the property from Mamta Rani, defendant No.10 vide sale deed dated 23.8.2010. Whereas, applicant/appellant No.3 had purchased the property from defendant No.11. The judgment and decree of the learned lower appellate court is dated 9.8.2010. The decrees passed by the learned courts below in favour of the plaintiff was for restraining the defendants from blocking or causing any hindrance in the rasta shown in the site plan. The defendants, against whom the decrees were passed by the learned courts below, were

satisfied with the same as they never challenged the same before this Court by filing any appeal. The present applicants/appellants, who purchased the property after the decision of the appeal will get whatever rights the vendor had in the property. Even otherwise after purchasing the property vide two sale deeds, the present appeal before this Court was filed after a delay of 478 days in February, 2012.

Considering the aforesaid factual matrix, I do not find any ground is made out either to grant leave to the applicants/appellants to file appeal against the judgments and decrees of the learned courts below, as they being not party to the litigation or there is any reasonable ground for condoning huge delay of 478 days in filing the appeal, hence, both the applications are dismissed. As a consequence thereof, the appeal is also dismissed.

(RAJESH BINDAL)
JUDGE

23.7.2015

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