

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.2624 of 2015 (O&M)
Date of Decision.02.09.2015

Subhash and others

.....Appellants

Versus

Kesha Ram and others

.....Respondents

Present: Mr. Madan Lal, Advocate
for the appellants.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. Delay of 290 days in refiling the appeal condoned.
2. The suit was filed by a person as purchaser of the property from the 2nd defendant Shanti. Shanti's brother was Mewa and Mewa's daughter was Suneeta. The defendants, who are the appellants, are successors-in-interest of Suneeta. Their contention was that in a decree obtained by their predecessor Suneeta against Shanti in Civil Suit No.1159 of 1992, the properties were granted to Suneeta. The suit was filed on the basis that the plaintiffs' own purchase from Shanti was through a transaction dated 3.11.1988 and at the time of the institution of the suit in Civil Suit No.1159 of 1992, they had already become the owners and any decree obtained by Suneeta against Shanti without impleading them will not bind their interest. It is a correct legal plea made by the plaintiffs to establish their title and it is irrelevant that mutation was not issued in favour of the purchaser. Mutation ought to be taken as merely

an evidence of proof of title and not document of title itself. If the plaintiffs' contention was based on a purchase from Shanti which was anterior to the time to the civil suit instituted by the appellants' predecessor Suneeta, the decree granted by the trial Court discarding the decree in Civil Suit No.1159 of 1992 was perfectly justified.

2. There is no scope for making an interference with the judgments of the Courts below. I do not find any substantial question of law arises for consideration in the second appeal. The second appeal is dismissed.

(K. KANNAN)
JUDGE

September 02, 2015
Pankaj*