

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

RSA No.1714 of 2014

Date of decision: 26th February, 2015

Sukhdev Singh @ Darbara Singh

... Appellant

Versus

Baldev Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

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

Present: Mr. Harchand S. Batth, Advocate
for the appellant.

FATEH DEEP SINGH, J.

This is unsuccessful plaintiff/appellant Sukhdev Singh's regular second appeal challenging the judgment and decree dated 29.09.2011 of learned Additional Civil Judge (Sr. Divn.) Patti dismissing his suit which was upheld by the learned Additional District Judge, Tarn Taran through judgment and decree dated 17.12.2013.

Heard Mr. Harchand Singh Batth, Advocate for the plaintiff/appellant.

It is own stand of the plaintiff that the land subject matter in question measuring 40 Kanals is ownership of the Punjab Government Rehabilitation Department and merely on the premise that he has

been cultivating the same as Gair Marusi tenant he is claiming ownership of the same. Apparently what has been adduced by the trial Court is that the plaintiff is trying to hide his real identity and though claims that under the policy of the State he has made deposit of the reserve price and thus, even otherwise has come to be its legitimate owner, however, stand of the defendants that on an earlier occasion plaintiff had made statement in a previous similar suit and thus, was not entitled to any relief as he has not only acted in a malafide manner by suppressing this material fact and rather plaintiff is actually Baldev Singh @ Sukhdev Singh and not Sukhdev Singh @ Darbara Singh and thus, denied possession of the plaintiff. The records of the Rehabilitation Department proved by Sukhwinder Kaur PW3 by way of Ex.PW3/3 contains an application moved by one Sukhdev Singh son of Dalip Singh and on the basis of his request for allotment of this land and deposit of ₹1.00 lac land measuring 40 Kanals was given through Conveyance Deed Ex.D3 in favour of Sukhdev Singh son of Dalip Singh resident of village Jhuggian Kalu and it was by virtue of the fact that on similar cause of action the matter stood adjudicated and thus, it has been rightly held that the subsequent suit out of which the present matter has arisen is barred by principle of res judicata as enshrined in Section 11 CPC.

Apparently, it was through sale deed Ex.D1 Sukhdev Singh son of Dalip Singh had sold 20 Kanals of this land in favour of Raj Balbir Singh son of Budha Singh on 12.05.2005 and thus,

apparently there is nothing suggestive to show that the plaintiff was in any manner in occupation of this land much less its owner.

Thus, the consistent findings returned by the two courts below cannot be faulted with and the instant appeal being hopelessly without any merit stands dismissed in limine.

**(FATEH DEEP SINGH)
JUDGE**

February 26, 2015

rps