

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

**Regular Second Appeal No.2136 of 2014
Date of decision : 18.05.2015**

Partap Singh & another ...Appellants
versus

Sahabo & others ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ajay Vijrania, Advocate for the appellants.

RITU BAHRI, J (Oral)

Appellants/plaintiffs have come up in the regular second appeal against the judgments of the trial Court and the lower appellate Court whereby the suit of the plaintiffs has been dismissed.

The plaintiffs had filed a civil suit No.1184 of 1995 pertaining to the same property and the suit was dismissed on 31.05.1999 (Ex.P3) and appeal against the said judgment was dismissed on 07.10.2003 (Ex.P5). As per the above said judgments, the plaintiffs were held to be the owners of the suit property which was a land measuring 04 feet along with wall marks with letters BC. The possession of the area was found to be that of the plaintiffs but they were not held owners of this land. The suit of the plaintiffs was dismissed by the trial Court on 17.08.2011. During the pendency of the appeal before the lower appellate authority, the respondents had sold this land, vide sale deed dated 10.05.2012 in favour of Smt. Santosh, wife of Dayanand and Krishna wife of Ram Kishan. The

plaintiffs had made an application under Order 41 Rule 27 to place on record additional evidence, which was dismissed. The plaintiffs/appellants were aware of this sale deed, but did not choose to implead Smt.Santosh and Krishna as additional respondents in the appeal as their vendors had no interest and title in the suit property.

Keeping in view the earlier judgments Ex.P3 and Ex.P5 the suit of the plaintiffs has been rightly dismissed and in the regular second appeal, there is no substantial question of law involved, this appeal is dismissed.

18.05.2015
Vinay

(RITU BAHRI)
JUDGE