

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.5975 of 2014 (O&M)

Date of Decision: 06.04.2015

Mahabir Parshad

..... Appellant

Versus

Haryana State through Collector, Hisar
and another

..... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Gorakh Nath, Advocate,
for the appellant.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

Indisputably, in the previous suit filed by the brother of the appellant against the common defendants, owners of suit land an injunction was refused by the trial Court and the order stands confirmed up to this Court affirming that Prem Kumar, brother of the appellant, was not a tenant of the defendants arrayed as respondents in present appeal. The corpus property in the previous suit is the corpus property in the present suit without any difference in description of land. Therefore, the findings recorded in the first suit are *res judicata* between the parties and cannot be reagitated. Prem Kumar, brother of Mahabir Parshad, the present appellant had arrayed the latter as a proforma defendant in the earlier suit and, therefore, Mahabir Prashad was on notice as a party to the proceedings. He would, therefore, be bound by the decree.

In view of this factual position, Mr. Gorakh Nath, learned counsel

for the appellant has not been able to wriggle out of the situation rendering this appeal unfit for admission for lack of merit.

Needless to say that in the facts of the case no substantial questions of law arise for determination, much less in second appeal.

Consequently, the appeal fails and is dismissed in limine. The appeal papers be consigned to the record room.

(RAJIV NARAIN RAINA)
JUDGE

06.04.2015
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