

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No. 6407 of 2014 (O/M)
Date of decision : 7.9.2015

Kaushalya Bai

..... Appellant

Versus

Dharamveer and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. J.S. Thind, Advocate, for the appellant.

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

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KULDIP SINGH, J. (ORAL)

Impugned in the present regular second appeal is the judgment and decree dated 5.9.2014, passed by the learned Additional District Judge-I, Fatehabad, affirming the judgment and decree dated 29.7.2011, passed by the learned Additional Civil Judge (Senior Division), Fatehabad, whereby in a suit for specific performance filed by the plaintiffs, a decree for alternative relief of recovery of money was passed on the ground that before the filing of the suit, the suit land already stood transferred by defendant No. 1 in favour of defendant No. 2 and during the pendency of the suit, the

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said subsequent vendee Smt. Anita was made party, but no amendment of the plaint was sought to challenge the said sale deed nor any prayer was made in this regard.

Prima-facie, there is nothing illegality in the impugned judgments and decrees, passed by the Courts below. When there are no pleadings against the subsequent vendee and no prayer has been made in this regard, no relief can be granted against the subsequent vendee. Therefore, there is no illegality or infirmity in the impugned judgments and decrees of both the Courts below in granting alternative relief. No question of law much less the substantial question of law arises in the present appeal. Hence, the present appeal is dismissed.

(KULDIP SINGH)
JUDGE

7.9.2015
sjks