

RSA No.970 of 2014 (O&M)

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

**RSA No.970 of 2014 (O&M)
Date of Decision.28.08.2015**

Vijay Kumar

.....Appellant

Versus

Shalu Rani and others

.....Respondents

Present: Mr. V.D. Sharma, Advocate
for the appellant.

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. The defendant is the appellant before this Court. The plaintiffs' suit was brought against the defendant on a plea that the defendant himself had sold the property originally to one Deljeet Singh on 29.01.1999. Deljeet Singh had transferred the property to one Davinder under Ex.P2 and Davinder in turn had sold the property to Shashi Goyal under Ex.p5 and Shashi Goyal had transferred the property in favour of plaintiffs under Ex.P6. It would appear that the defendant himself filed a suit to set aside the sale executed on 29.01.1999 as not valid for various reasons but the suit was allowed to be dismissed for non-payment of court fee. The defendant again tried to set up a plea that his sale deed on 29.01.1999 was not valid. He would also contend that he has later filed a suit in the year 2013 that the sale is not valid. I cannot understand as to how the transaction which was made on 29.01.1999 can be challenged in a suit instituted in the year 2013 especially when he had

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even allowed an earlier suit filed for very same relief dismissed for non payment of court fee. There is nothing for the defendant to defend an action brought by the plaintiffs on the basis of purchase through successive transactions, the first of transaction being the defendant was himself a party. The two Courts have allowed for the decree to be passed in favour of the plaintiffs and rejected the defendant that the sale deed was not binding to him.

2. I do not think that there is any substantial question for consideration in the second appeal. The second appeal is dismissed.

(K. KANNAN)
JUDGE

August 28, 2015
Pankaj*