

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 330 of 2014 (O&M)

Date of Decision: 05.04.2016

Sukhdev Singh

... Petitioner(s)

Versus

Jasbir Singh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

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| 1. | Whether reporters of local newspapers may be allowed to see judgment? | Yes |
| 2 | To be referred to reporters or not? | |
| 3 | Whether the judgment should be reported in the Digest? | Yes |

Present: Mr. B.S.Rana, Advocate
for the petitioner(s).

Mr. Gurcharan Dass, Advocate
for respondents No.1 to 5.

Shekher Dhawan, J.

Present petition is challenge to the order dated 19.11.2012 (Annexure P3), passed by learned Civil Judge (Senior Division), Ludhiana whereby suit, filed by the petitioner/plaintiff, was dismissed under Order 7 Rule 11 CPC and appeal filed by the petitioner was dismissed by Learned Additional District Judge, Ludhiana vide order dated 12.11.2013 (Annexure P4).

Relevant facts of the case that earlier, one civil suit was

decreed on 28.2.1970 by learned Sub Judge 1st Class, Ludhiana and no appeal was filed and the said judgment & decree attained finality. During pendency of earlier suit, one civil suit was filed by sons, daughters and wife of Gurcharan Singh for maintenance and the same was dismissed on 28.5.1975 and even regular second appeal filed against the said judgment was dismissed by this Court on 14.5.1985. Later on, Letters Patent Appeal was filed by the legal heirs of Gurcharan Singh and the same was also dismissed.

During execution proceedings of the decree dated 28.2.1970, legal heirs of Gurcharan Singh filed objections time and again under Section 47 CPC and the same were dismissed. The findings had attained finality that property in the hands of Gurcharan Singh was not joint hindu family and ancestral property and in that case petitioner has no right to challenge the decree. Both the Courts below have already recorded concurrent findings of facts and the present petition is absolutely without any merit and the same stands dismissed.

(Shekher Dhawan)
Judge

April 5, 2016

"DK"