

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

RSA No.5385 of 2015 (O&M)

Date of decision : 04.08.2017

Amar Singh

...Appellant

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Anil Chawla, Advocate for the appellant.

ANIL KSHETARPAL, J.

The plaintiff is in Regular Second Appeal against the concurrent findings of fact arrived at by the Courts below.

The plaintiff had filed a suit for declaration challenging the allotment/conveyance deed executed by the State of Punjab in favour of defendant No.2. At the outset, it may be noticed that the appellant-plaintiff had earlier filed a suit for possession with respect to the same property. The aforesaid suit filed by the appellant-plaintiff was dismissed. The appellant lost up to the High Court in Regular Second Appeal.

The trial Court after appreciating the evidence available on the file dismissed the suit filed by the plaintiff. No illegality was found in the allotment of the land by State of Punjab in favour of defendant No.2.

The plaintiff-appellant had filed first appeal. The learned First Appellate Court also after re-appreciating the evidence available on the file

dismissed the appeal.

I have heard learned counsel for the appellant and with his able assistance gone through the judgments passed by the Courts below.

Learned counsel for the appellant has submitted that earlier judgment passed on 22.09.1999 Ex.D2 would not bind the Court in a subsequent suit when the validity of the allotment in favour of defendant No.2 is under challenge in the present suit. The appellant had filed a suit for possession claiming that it is appellant who is entitled to the land. It was also held that the appellant is not entitled to possession. The First Appellate Court has found that even the allotment in favour of defendant No.2 was upheld by the Civil Court in previous suit. Confronted with this, counsel for the appellant could not dispute this position or establish otherwise.

The allotment in this case is before 1994 and the sale deed was executed in favour of defendant No.2 on 21.06.1994 whereas present suit was filed on 22.09.2009. The suit filed by the plaintiff is clearly barred by time.

For the reasons recorded above, I do not find any reason to interfere with the judgment and decrees passed by the Courts below.

Finding no merit in the present appeal, the same is dismissed.

04.08.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**