

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

**RSA No.4752 of 2017 (O&M)
Date of Decision: 13.10.2017**

Balwant Singh

... Appellant

Versus

Avtar Singh and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Vijay Lath, Advocate,
for the Appellant.

ANIL KSHETARPAL, J. (ORAL).

CM No.12643-C of 2017.

For the reasons stated in the application, the same is allowed and the delay of 103 days' in refiling the present appeal is condoned.

Main Case.

The defendant/appellant is in Regular Second Appeal against the concurrent finding of fact arrived at by the Courts below.

At the outset, learned counsel for the appellant was confronted with the fact that by the impugned judgement, learned first Appellate Court has disposed of two appeals. Both the appeals were arising out of separate suits. However, only one appeal has been preferred. The finding of the Courts below in the second appeal has become final, which would operate as res judicata.

The defendant/appellant filed a suit for injunction. The aforesaid suit was dismissed. The appeal filed by the defendant/appellant

against the aforesaid judgement was dismissed by way of impugned judgement. Since the aforesaid finding has not been challenged, the same has become final.

Further it is not in dispute that the plaintiff in the present suit had purchased the property vide registered sale deed dated 25.04.1997, whereas the appellant claimed that they have purchased the property vide sale deed dated 08.04.2005. The sale in favour of the appellant is later in point of time. Once the title had passed on to the plaintiff pursuant to the sale deed dated 25.04.1997, the right, title or interest in favour of the appellant would always be subject to the rights of the plaintiff.

Further it is not in dispute that the parties had resolved their dispute vide compromise deed before the Panchayat on 26.06.2007. The appellant had failed to honour the same.

Taking into consideration the aforesaid facts, this Court does not find any good ground to interfere with the finding arrived at by the Courts below.

The appeal is dismissed.

(ANIL KSHETARPAL)
JUDGE

13.10.2017
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No