

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

105

RSA No.1113 of 2016 (O&M)

Date of Decision : 09.07.2018

Nirmal Singh and others

..... Appellants

Versus

Tej Pal and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. M.S.Dhami, Advocate
for the appellants.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing a suit filed by the appellants.

The appellants had challenged an agreement to sell and full payment receipt executed by their father in favour of respondent No.1.

Both the Courts below noticed that their father had challenged the same documents earlier and that suit had been dismissed and consequently dismissed the present proceedings on the ground of *res-judicata*.

Learned counsel for the appellants has argued that after the death of the father the respondent had threatened that he would get the house transferred to his own name in the office of respondent No.2 and that constituted a fresh cause of action.

In my opinion, the basic issue in both the suits was whether the father of the appellants had executed agreement to sell and full payment receipt and once that was held against the father of the appellants second suit would not lie on the same cause of action.

There is no fault in the findings of the Courts below.

Appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

09.07.2018

Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No