

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

105

**RSA-1961-2016 (O&M)
Date of Decision : 25.09.2018**

Smt. Memwati and another Appellants

Versus

Lekhi and others Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Adarsh Jain, Advocate
for the appellants.

AJAY TEWARI, J. (ORAL)

This appeal has been filed against the concurrent judgments of the courts below decreeing a suit filed by the respondent No.1 claiming 1/5th share in the property in dispute on the ground that he had purchased it from one Bohati. He further pleaded that earlier the appellants had filed a suit against him wherein they had claimed that they had become owners of the property left behind by one Khem Chand and consequently Bohati who had sold the share to the appellants had no right in the same and the sale was not binding on their rights and that suit which had been filed by the appellants was dismissed. In the corresponding para of the written statement, the appellants did not dispute this fact. Ultimately, both the courts below held that the previous suit operated as res judicata and consequently, decreed the suit of the respondent No.1 as mentioned above.

Counsel for the appellants has argued that the previous judgment and decree did not contain the particulars of the property and

therefore the principle of resjudicata was wrongly attracted. However, once the identity of the property was not disputed in the written statement, it would not be necessary for the respondent No.1 to have placed the plaint on record and the courts were not wrong in holding that the principle of resjudicata was attracted to the case.

Appeal is dismissed. No costs.

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

September 25, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No