

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114

RSA No.2583 of 2016 (O&M)

Date of decision: 19.07.2018

Manjit Kaur

..... Appellant

Versus

Amardeep Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. S.S. Rang, Advocate
for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Defendant No.6-appellant is in the regular second appeal against the judgment passed by the learned trial Court as well as learned First Appellate Court.

This Court fails to understand why this appeal has been preferred. The suit filed by the plaintiff for possession by way of specific performance of the agreement to sell was dismissed by the learned trial Court on 06.07.2013. The plaintiff did not challenge the aforesaid judgment. However, defendant No.6 namely Manjit Kaur-appellant herein filed the first appeal. The appeal has also been dismissed and that is how the second appeal has been filed.

Learned counsel for the appellant has submitted that this appeal has been filed because Manjit Kaur wishes to challenge the sale deed executed in favour of defendant No.7 which has been upheld by the Court while dismissing the suit. Manjit Kuar and defendant No.7-Amardeep

Singh, the subsequent purchaser were co-defendants in the suit. There was no issue inter se between the defendants which has been decided. It is also admitted fact that there was no counter claim filed by Manjit Kaur. If Manjit Kaur has any grievance against the sale deed executed in favour of Amardeep Singh by Tehal Singh, she can only maintain a separate suit if permissible in law and cannot agitate the dispute in this litigation.

In view thereof, there is no scope for interference with the order passed by the Courts.

Appeal is disposed of.

19.07.2018

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No