

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

LPA No.394 of 2018 (O&M) in
CWP No.4764 of 2001
Date of Decision:- 19.03.2018.

Lachhman and another

...Appellants

Versus

Financial Commissioner, Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE B.S. WALIA**

Present:- Mr. Sandeep Punchhi, Advocate
for the appellants.

Rajesh Bindal, J.

Order passed by the learned Single Judge, dismissing the writ petition, has been impugned by filing the present intra-court appeal. Along with appeal, an application seeking condonation of 13 days' delay in filing thereof, has also been filed.

The order impugned before the learned Single Bench was regarding eviction of the appellants from the land in dispute, accepting the ejectment application filed by respondent No.5, which is a religious institution. The issue sought to be raised is that respondent No.5 itself was a *pattedar*, hence, could not maintain the application for eviction. However, the issue has been considered by the learned Single Judge. The question of title was raised by the appellants earlier by filing a civil suit. The judgments of the learned Courts below were subject matter of appeal before this Court in RSA No.1023 of 2008, which was dismissed on 11.11.2009. Ownership of respondent No.5 was

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upheld. It is not in dispute that the aforesaid order passed in Regular Second Appeal attained finality, as it was not challenged any further. Once, the issue regarding ownership of the property, from which eviction of the appellants was sought, was settled by this Court with dismissal of the Regular Second Appeal filed by the appellants, the same cannot be raised again to submit that respondent No.5 being not owner could not maintain application for eviction.

For the reasons mentioned above, we do not find any error in the order passed by the learned Single Judge. The appeal is dismissed. Consequently, the application for condonation of delay in filing of appeal is also dismissed.

(Rajesh Bindal)
Judge

(B.S. Walia)
Judge

19.03.2018.
rajesh.k.khurana

Whether speaking /reasoned : Yes / No
Whether Reportable : Yes / No