

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.3347 of 2016(O&M)

Date of decision : 19.09.2018

Malkiat Singh

...Appellant

Versus

Barkat Ram (deceased) through LRs and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vipin Mahajan, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

The plaintiffs-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below.

Both the Courts have found that two plaintiffs namely Tarlok Singh and Malkiat Singh, earlier also filed a suit for possession with respect to the same property, but failed. The judgment of the trial Court is dated 28.10.2006, whereas the judgment of the First Appellate Court is dated 12.04.2008. In the previous litigation, the Court found that the plaintiffs are not entitled to possession.

Both the Courts have recorded a finding that once in the previous suit, the plaintiffs have failed to prove their right, title or interest in the property or their entitlement to get the possession, therefore, the second suit is not maintainable. Still further, the findings arrived at in the previous judgment, inter se between the parties, operate as resjudicata.

Hence, this Court does not find any good ground to interfere with the concurrent findings of fact arrived at by both the Courts below.

Regular Second Appeal is dismissed.

19.09.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No