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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****RSA No.2028 of 2015(O&M)
Date of Decision: 06.08.2018**

Vinod Sayal

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.....Appellant

Versus

Ashok Syal (deceased)through Lrs and ors.

.....Respondents

CORAM: HON'BLE MR. ANIL KSHETARPALPresent:- Mr. G.S. Nagra, Advocate
for the appellant.Mr. Ankur Bansal, Advocate
for respondents.**ANIL KSHETARPAL J. (oral)**

This appeal has been filed by the defendant-appellant against the findings of the First Appellate Court on issue No.5. It is not in dispute that the suit filed by the defendant has been dismissed and there is no decree against defendant-appellant.

In the considered opinion of this Court, no appeal under Section 100 of the Code of Civil Procedure, is maintainable against findings. Appeal can only be filed if there is decree against the party. In the present case, defendant-appellant is not aggrieved of any part of the decree passed by the Court. Reference in this regard can be made to a judgment passed by the Hon'ble Supreme Court in the case of **Banarasi and ors. Versus Ram Phal** **2003(9)SCC 606.**

Learned counsel for the appellant has submitted that such finding

arrived in issue No.5 may trouble the appellant in future litigation.

It is well settled that the findings of the Court on a issue against which party has no right to file an appeal cannot operate as res-judicata.

Defendant-appellant would be at liberty to lead evidence and prove his title in accordance with law in the future litigation, if any and the findings arrived at by Courts below shall not influence the result of subsequent litigation.

Hence, regular second appeal is dismissed.

(ANIL KSHETARPAL)
JUDGE

August 06, 2018

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No