

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

112

RSA-3469-2016 (O & M)
Date of Decision:16.10.2018

Avtar Singh and another

...Appellants

Versus

Darshan Kaur @ Darsho and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Veneet Sharma, Advocate
for the appellants.

ANIL KSHETARPAL, J.(Oral)

Plaintiffs-appellants are in the regular second appeal against the concurrent findings of fact arrived at by the Courts below.

Plaintiffs had filed a suit for declaration that they are owners in possession of land measuring 289 kanals and 3 marlas on the basis of the Will dated 22.03.1971 executed by Josa Singh. They also challenged document dated 28.08.1975 executed by Josa Singh in favour of Smt. Mejo and sale deed executed by Smt. Mejo in favour of Darshan Kaur dated 05.01.1987 and sale deed dated 12.03.1993 executed by Darshan Kaur in favour of Narinder Singh and Daya Singh etc. They have also challenged the judgments and decrees dated 11.11.2004 and 02.04.2007 passed by the Courts.

Both the Courts below have found that in a previous suit, plaintiffs failed to prove Will dated 22.03.1971, although, an additional issue was framed with regard to the validity of the Will dated 22.03.1971.

Since there was already a finding against the plaintiffs in a previous suit, therefore, the Courts below have held that the aforesaid finding in the previous suit is barred by the principles of res judicata. The judgment in the previous suit is dated 03.06.1992. Still further, both the Courts below have found that the suit filed by the plaintiffs was also barred by time.

Learned counsel for the appellants could not draw attention of the Court to any perversity or error in the judgments passed by the Courts below.

Hence, there is no ground to interfere.

Regular second appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the above said judgment.

16.10.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No