

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

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**CM-1365-66-C-2016 in/and
RSA-475-2016 (O&M)
Date of Decision : 07.08.2018**

Mohan Appellant

Versus

Suresh and others Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Ramender Chauhan, Advocate
for the applicant-appellant.

AJAY TEWARI, J. (ORAL)

CM-1365-66-C-2016

For the reasons recorded, the applications are allowed. Delay of 199 days in refiling and 2 days in filing the appeal is condoned.

RSA-475-2016 (O&M)

This appeal has been filed against the concurrent judgments of the courts below dismissing a suit filed by the appellant.

The appellant had sought a declaration that a gift deed dated 06.05.1969 executed by one Badri Parsad in favour of respondent No.1 was illegal, null and void. The claim of respondents No.1 to 5 was that very same gift deed had been challenged by the appellant in which the father of the appellant was also a party but that suit was dismissed with costs vide judgment dated 30.03.1971. It was their plea that the instant suit was barred by resjudicata. Both the courts below have accepted this plea and consequently dismissed the suit.

Counsel for the appellant has not been able to show me how this finding is incorrect.

Appeal is dismissed. No costs.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

August 07, 2018
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No