

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

107

RSA-5027-2016 (O&M)

Date of Decision : 09.08.2018

Prem Kumar and Anr

..... Appellant

Versus

Bhupinder Kaur

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Avnish Mittal, Advocate
for the appellants.

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AJAY TEWARI, J. (ORAL)

This appeal has been filed against the concurrent judgments of the Courts below decreeing a suit for injunction filed by the respondent.

The case of the respondent was that she was in possession of the property in dispute having been purchased it from the vendee/s of the original auction purchaser and she was in possession thereof and prayed that the appellants who had no connection with the property in dispute be restrained from interfering in her possession except in due course of law. The case of the appellants was also that they had purchased the property from some other persons who were vendees of the auction purchaser. Both the Courts below having decreed the suit the appellants are before this Court.

Counsel for the appellants has argued that he would not press the entire appeal on merits but opposing the finding given by the Courts below to the effect that the sale deed in favour of the vendor of the respondent had been signed by the original auction purchaser because the

signatures of that person on the sale deed of the vendor of the appellants does not match. It is the contention of the learned counsel that there was no issue to this effect and moreover it was the suit for injunction and consequently if the appellants want to file a suit for declaration the said finding cannot stand against them.

I am in agreement with this limited submission and consequently even while dismissing the suit declare that the finding on the validity of the sale deed can be raked up in appropriate proceedings by the parties and the same would not operate as res-judicata.

August 09, 2018
dk

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - **Yes**

Whether reportable - **No**