

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.1971 of 2014 (O&M)

Date of decision: 21.11.2018

Shamir Singh

..... Appellant

Versus

Harbhajan Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. R.S. Sidhu, Advocate
for the appellant.

Mr. Surinder Garg, Advocate
for respondents No.1 and 2.

ANIL KSHETARPAL, J. (ORAL)

Defendant No.5-appellant is in the regular second appeal against the concurrent finding of fact arrived at by the Courts below decreeing the suit filed by the plaintiffs for declaration that the plaintiffs are joint owners in possession to the extent of 2/36th share in respect of the land measuring 105 kanals and 17 marlas. The defence of the defendant No.5-appellant was struck off. The decree passed against him was never challenged by him before the learned First Appellate Court. Still further, it is not disputed between the parties that defendant No.5-appellant herein filed a separate suit claiming that he is owner in possession of 1/6th share. The suit with respect to the declaration was dismissed, however, defendant No.5, plaintiff in that suit was found in possession and therefore, decree for injunction was only granted. It is also not disputed before this Court that the aforesaid decree has become final. Hence, defendant No.5 who is

claiming title in the property in dispute on the basis of sale deed dated 28.06.2004 allegedly executed by Mohinder Kaur cannot claim any right because the suit filed by the defendant-appellant on the basis of the aforesaid sale deed has already been dismissed.

Hence, there is no ground to interfere.

The pending miscellaneous application, if any, shall stand disposed of accordingly.

Appeal is dismissed.

21.11.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No