

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

**RSA No.6197 of 2016 (O&M)
Date of Order:26.04.2018**

Krishna Devi

..Appellant

Versus

Rajinder Kumar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Hitesh Kumar Sammi, Advocate,
for the appellant.

ANIL KSHETARPAL, J(Oral)

Defendant-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the courts below.

Apart from merits, defendant-appellant had filed Civil Suit No.287-T-2013, whereas respondents had filed a separate suit i.e. Civil Suit No.752A-RT-2012. Both the suits were consolidated and decided by a common judgment by the learned trial court.

Defendant-appellant has filed only one appeal and challenged the decree passed in Civil Suit No.752A-RT of 2012. No appeal was preferred against the decree passed in Civil Suit No.287-T-2013.

Decree passed in Civil Suit No.287-T-2013 has become final against the defendant-appellant.

In the considered opinion of this court, once the decree passed in Civil Suit No.287-T-2013 has become final, the appeal filed by the defendant-appellant cannot be entertained as the finding while deciding Civil Suit No.287-T-2013 has become final and operates as resjudicata.

In any case, this court has examined the case on merits. The husband of the defendant-appellant had purchased approximately 66 square yards area, whereas the plaintiffs-respondents had purchased approximately 33 square yards area. Defendant-appellant claims that she has perfected her title with respect to remaining area on the basis of adverse possession.

Both the court have examined this issue and have found that the parties are in their respective possession of the property according to the share purchased by them.

In view thereof, there is no scope for interference with the concurrent findings of fact arrived at by the courts below.

The regular second appeal is dismissed.

April 26, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No