

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

**RSA No.2150 of 2014 (O&M)
Date of Order: 01.06.2018**

Raghubir Saran

..Appellant

Versus

Kailash Chand Goyal and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Adish Gupta, Advocate,
for the appellant.

Mr. Keshav Partap Singh, Advocate,
for respondents no.1 and 1A.

ANIL KSHETARPAL, J(Oral)

Plaintiff-appellant is in the regular second appeal against the judgment passed by the learned first appellate court.

Plaintiff filed a suit for declaration and permanent injunction, claiming that he along with other descendants of Roop Ram are owners in possession of Ghar No.436 along with the plot depicted by letters ABCD as shown in the site plan and bounded by the property as described in the plaint.

Defendants contested the suit and pleaded that the plaintiff has no concern with the suit property. It was further pleaded that the plaintiff has wrongly claimed that the suit property bears Ghar No.436.

Learned first appellate court while re-appreciating the evidence available on the file, have found that the plaintiff previously filed a suit for partition which was dismissed on 09.06.2011, Ex.DA.

In the aforesaid suit, the court found that the plaintiff and the defendants were not able to establish their title qua the suit property and, therefore, they were not entitled to partition. Tula Ram, the plaintiff-appellant could not prove that Roop Ram was ancestor of the parties.

It is not disputed before this Court that the aforesaid judgment and decree has become final.

In view of the aforesaid finding, the suit filed by the plaintiff has been correctly dismissed by the learned first appellate court.

Learned counsel for the appellant made serious attempt to persuade this court to take a different view, however, learned counsel could not dispute about correctness of the findings which have been referred to in the earlier part of the judgment and the finding arrived at by the first appellate court in paragraph 14 of the judgment.

In view thereof, there is no scope for interference with the findings arrived at by the learned first appellate court.

The regular second appeal is dismissed.

June, 01, 2018
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(ANIL KSHETARPAL)
JUDGE

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