

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

**R.S.A No.1060 of 2017
Date of decision : 19.02.2018**

Dharambir and anr.Appellants
versus

Kuldeep & another ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. K.S.Malik, Advocate
for the appellants.

RITU BAHRI, J. (Oral)

This regular second appeal is directed against the concurrent finding of facts recorded by the Court below whereby the suit of the plaintiff-respondent No. 1 (herein after to be referred as 'the respondents'), seeking decree for declaration to the effect that he is owner in possession to the extent of half share of land detailed and described in para No. 1 of the plaint, has been decreed.

A bare perusal of the impugned judgment shows that the suit of respondent No. 1 has rightly been decreed, as judgment and decree dated 01.10.1994 Ex P1 was binding upon the parties, who were parties in the earlier civil suit. This judgment and decree was never set aside by any court of competent jurisdiction. The defendant No. 2 had illegally executed sale deed dated 10.06.2011 in favour of defendant No. 3. The only remedy available with defendant No. 2 was to challenge the judgment and decree dated 01.10.1994. No evidence was led by the defendants to prove the allegations of fraud and forgery. They further have not compared their admitted signatures with their disputed signatures on the alleged plaint, written statement and compromise of the previous suit from an expert.

Accordingly, the judgments and decree passed by both the Courts below do not require any interference by this Court.

No substantial question of law arises for adjudication by this Court.

The appeal is dismissed.

February 19, 2018

G Arora

(RITU BAHRI)

JUDGE