

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

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**RSA No.1334 of 2017 (O&M)
Date of Decision : 17.01.2018**

Kashmir Singh and another

..... Appellants

Versus

Gurbachan Kaur and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Amandeep Singh Manaise, Advocate
for the appellants.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the judgments of the courts below decreeing the suit filed by the respondents.

The claim of the respondents was that they were owners of the land in dispute and sought possession. The claim of the appellants was that they had purchased the property from the co-defendant (respondent No.2) Virsa Singh and on the date of their purchase the property was standing in the name of respondent No.2 and they had made all due inquiries.

Both the courts below relied upon a previous suit which had been filed against the respondent No.2 – Virsa Singh by the vendee of a separate plot of land from the respondents. In that case the respondent No.2 had claimed that plot and the entire land owned by Kartar Kaur had been inherited by him by way of Will of 1979. In that case the court had found

that the Will was invalid and had decreed that suit filed by that vendee. The respondent No.2 -Virsa Singh had filed an appeal also which was dismissed.

Counsel for the appellants has not been able to show me how that finding would not bind the co-defendant Virsa Singh. Once that finding was binding on the co-defendant Virsa Singh then the alienation made by respondent No.2-Virsa Singh in favour of the appellants on the basis of the same Will would also have to fail unless the appellants were able to independently prove the case set up by Virsa Singh. The Courts below have held that the appellants were not able to discharge that burden.

Counsel for the appellants has not been able to show how the findings are initiated.

In the circumstances, no fault can be found with the findings of the courts below.

Appeal is dismissed. No costs.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

17.01.2018

Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No