

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

RSA No. 1835 of 2017 (O&M)

Date of decision : 03.10.2018

Azad Singh

....Appellant

V/s

Karan Singh & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sumit Sangwan, Advocate for the appellant.

RAJAN GUPTA J.

Present appeal is directed against the findings of two courts below whereby suit for declaration filed by plaintiff-appellant has been dismissed inter alia on the ground that it was barred by the principle of res judicata. Plaintiff sought decree to the effect that he was owner in possession of 24 kanals 0 marla of land in village Khatiwas, Tehsil Charkhi Dadri, District Bhiwani on the basis of agreement to sell, alternatively he also sought decree for possession. It was inter alia contended that defendants have no concern with the land and mutation, Will and sale-deeds in its respect were null and void. Plea of the plaintiff-appellant was refuted by the defendants. They also took the plea that suit was barred by the provisions of section 11 CPC. Trial court, thus dismissed the suit. It also observed that matter had been finally decided upto the Apex court. Plaintiff filed appeal before the Additional District Judge, Bhiwani. However, it met the same fate. Learned counsel has very fairly stated that in view of the fact that matter has earlier been adjudicated upon, principle of res judicata was

attracted. Besides, there may not be much to say on the question of reappraisal of evidence. Appeal is, thus, hereby dismissed.

As the main appeal has been dismissed on merits, no order needs to be passed in the accompanying applications.

October 03, 2018
Ajay

(RAJAN GUPTA)
JUDGE

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