

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

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RSA No.322 of 2017 (O & M)  
Date of Decision:12.07.2018

State Bank of India

...Appellant

Versus

Harbhajan Singh and others

...Respondents

RSA No.652 of 2017 (O & M)

Ramandeep Singh

...Appellant

Versus

Harbhajan Singh and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Mahesh Dheer, Advocate  
for the appellant in RSA-322-2017.

Mr. Gurcharan Dass, Advocate  
for the appellant in RSA-652-2017.

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**ANIL KSHETARPAL, J.(Oral)**

By this common judgment, two appeals (RSA Nos.322 and 652 of 2017) filed by the different defendants shall stand decided as both are arising out of the same suit.

Plaintiff filed a suit for declaration that he is owner in possession of the land described in the plaint on the basis of a sale deed dated 16.08.2000 executed in his favour to a decree for specific performance of the agreement to sell. Plaintiff also sought a declaration that

sale deed executed in favour of defendant No.2 and subsequent mortgage executed by defendant No.2 in favour of defendant No.3 would not affect the rights of the plaintiff. Prayer was also made for directing the State to enter mutation of the property in his favour. It is not in dispute that sale deed in favour of defendant No.2 was hit by rule of lis pendens. When defendant No.2 purchased the property suit for specific performance was already pending.

Still further, defendant No.2 moved an application for being impleaded as a party in the aforesaid suit, which was dismissed. The decree passed for specific performance of the agreement to sell has become final. No appeal either by the original defendant or by the subsequent purchaser was filed. Now learned counsel for the defendant has submitted that he had no knowledge of the agreement to sell.

In the considered opinion of this Court, once a suit for specific performance of an agreement to sell was pending instituted on 12.05.1983, a subsequent purchaser is bound by the result of the case.

Learned counsel for defendant No.2-appellant has submitted that the decree passed on 29.01.1999 is collusive. The decree-holder and the judgment-debtor were brothers. However, he could not show from the record that such suit was collusive in nature or it was not decided after contest. The suit remained pending for 16 years. It was hotly contested suit and the judgment delivered by the Court is after examining the merits of the case.

On the other hand, learned counsel for the Bank has submitted that the Bank had extended the credit facility after verifying the title of

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defendant No.2. Once defendant No.2 does not get any title, therefore, the mortgage of the property from a person who has no title is also of no consequences. The Bank would always be at liberty to recover the amount from defendant No.2 in accordance with law.

In view thereof, there is no ground to interfere.

Regular second appeals are dismissed.

12.07.2018  
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**(ANIL KSHETARPAL)**  
**JUDGE**

Whether Speaking/Reasoned: Yes/No  
Whether Reportable : Yes/No