

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

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**RSA-5500-2017(O&M)
Date of Decision : 25.9.2018**

Madan Singh

....Appellant

vs.

Nalkli (deceased) through his legal representativesRespondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Sushil Bhardwaj, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below decreeing a suit for declaration that entry in the revenue record qua the suit property is illegal, null and void and the respondent was the owner of the property.

The case of the appellant was that father of the respondent had transferred the property in his favour.

Both the Courts below held that in an earlier suit where the appellant had claimed ownership had been dismissed and that finding had been allowed to become final and consequently, held that the appellant could not now claim to be the owner on the basis of principle of res-judicata.

Learned counsel is not in a position to show how findings which were given in an earlier suit between the parties in respect of the same land were not binding.

In the totality of the circumstances, I am not persuaded to hold that the findings of the Courts below are either based on no evidence or on such perverse misreading of the evidence so as to render them liable for interference in second appeal.

The appeal stands dismissed.

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

25.9.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No