

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

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**CM-15267-C-2017 in/and
RSA-5767-2017 (O&M)
Date of Decision : 27.07.2018**

Dhanpat Rai @ Davinder Kumar Appellant

Versus

Smt. Urmila Sood and another Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Bhanu Pratap Singh, Advocate
for the applicant-appellant.

AJAY TEWARI, J. (Oral)

CM-15267-C-2017

For the reasons recorded, the application is allowed. Delay of 184 days in filing the appeal is condoned.

RSA-5767-2017 (O&M)

This appeal has been filed against the concurrent judgments of the courts below dismissing a suit filed by the appellant.

The primary ground taken in the original suit was of resjudicata. In that suit he had challenged the sale deed dated 04.01.1996 on the allegation that in fact he was abroad at that time and the sale deed had been executed by the respondent No.2 Bhajan Pal by impersonating him. However, that suit was dismissed. Thereafter the present suit was filed for the identical relief against the same parties and the justification given was that in a criminal case the respondent No.2 had now moved an application to turn approver. Both the courts below held that the mere

fact that the accused had moved an application for turning approver would not give a ground to reopen the decree which has attained finality upto the Supreme Court.

Counsel for the appellant has not been able to show me how the findings of the courts below are flawed.

Appeal is dismissed. No costs.

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

July 27, 2018
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No