

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

Date of decision: 14.03.2019

1. RSA-4022-2012 (O&M)

Satnam Singh and others

... Appellants

Versus

Sadhu Singh and others

... Respondents

2. RSA-4023-2012 (O&M)

Satnam Singh and others

... Appellants

Versus

Sadhu Singh and others

... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Ramandeep Singh, Advocate,
for the appellants.

Ms. Bahaar Ghuman, Advocate, for
Mr. Prateek Mahajan, Advocate,
for respondent No.1.

Ms. Manjot Kaur, Advocate, for
Mr. J.S. Verka, Advocate,
for respondent Nos. 15 to 17 & 20 to 23.

JAISHREE THAKUR, J. (ORAL)

This order shall dispose of above referred two regular second

appeals.

Both theses regular second appeals which have been filed seeking to challenge the judgment and decree dated 20.08.2007 passed by the Court of Addl. Civil Judge (Sr. Divn.), Patti dismissing the plaint and also seeking to challenge the judgment passed by the Addl. District Judge, Tarn Taran dismissing the appeal.

In fact, a few facts need to be noted in the instant case, which are that the plaintiff-appellant filed a suit for declaration to the effect that plaintiff and defendants No. 2 to 9 are co-sharers and in possession of land measuring 42 Kanals 17 Marlas situated at village Dhariwal, Tehsil Patti, District Amritsar as per the jamabandi for the year 1996-97 in equal shares. It was stated that defendant No.1 had no right or interest in the above land and mutation sanctioned in the name of defendant Nos. 2 & 3 is also wrong and illegal with a further prayer of permanent injunction restraining defendants No. 1 to 3 from asserting their right over the abovesaid land and alienating the same in favour of any person. Evidence was led and the suit came to be dismissed. The suit was dismissed primarily on the ground that Ralla Singh had executed a valid Will in favour of Sadhu Singh-defendant No.1, whereas the plaintiffs were claiming share in the property on the basis of natural succession. A separate suit was filed by the respondents herein claiming ownership of the disputed property on the basis of a Will executed by deceased Ralla Singh in his favour which suit was decreed. The appellants herein did not challenge the suit as filed by Sadhu Singh and others and only sought to challenge the dismissal of their suit, even though both the suits had been tried together and decided by a common judgment.

Once there is a a decree passed by a competent Court declaring Sadhu Singh-respondent No.1 herein to be an owner on the basis of a valid Will executed in his favour and the same has not been challenged and has attained finality, the appellants herein would not be entitled to the relief as sought in their suit that has been filed.

As has been noted above, the appellants herein had only filed a suit for mandatory injunction and a suit for declaration to the effect that they are co-sharers in possession of the land based upon a jamabandi.

Finding no merit, the instant appeals are dismissed.

A photocopy of this order be placed on the file of the connected case.

14.03.2019

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

No.

Whether reportable

No.