

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.3193 of 2016 (O&M)

Date of Decision: March 14, 2019

Roop Chand Rathi (D) through L.Rs

...Appellant

Versus

Narayan Singh & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Gulshan Nandwani, Advocate,
for the appellant.

Mr. Amit Jain, Advocate,
for the caveators.

AMIT RAWAL, J. (Oral)

CM No.8561-C of 2016

For the reasons mentioned in the application, which is supported by an affidavit, delay of 30 days in re-filing the appeal is condoned.

CM stands disposed of.

CM No.8998-C of 2018

Prayer in the application is for impleading the legal representatives of the appellant, who is stated to have died on 12.04.2017.

Allowed subject to all just exceptions.

The persons mentioned in Para 2 of the application are allowed to be impleaded as legal representatives of the appellant for the purpose of prosecuting the present appeal only.

RSA No.3193 of 2016

The present Regular Second Appeal is directed against the concurrent findings of fact, whereby the suit for declaration laying challenge to the judgment and decree dated 23.08.1986 rendered in Civil Suit No.486 of 1986 titled as “Ragbir Singh Versus Narain Singh” on the premise that the defendants did not acquire the right of ownership regarding the share of the plaintiff and proforma defendant Nos.3 to 6 in the land comprising Rect.No.30, Killa No.5/2 (2-16) with permanent injunction restraining the defendants from creating any charge, alienation and also of forcible interference and dispossession, has been dismissed.

Mr. Gulshan Nandwani, learned counsel for the appellant-plaintiff submitted that by virtue of the sale deed dated 17.04.1985, plaintiff and defendant Nos.3 to 6 became owners of the land measuring 42 kanals 10 marlas and mutation No.627 dated 16.05.1985 was entered. However, defendant Nos.1 and 2 suffered the impugned decree affecting the share and the possession of the plaintiff. Before he could raise further argument, Mr. Amit Jain, learned counsel for the caveators, submitted that the appellant-plaintiff had approached this Court against the dismissal of the application for interim stay vide Civil Revision No.1986 of 2009, wherein this Court while upholding the interim orders made passing reference of availment of remedy by the defendants, which has culminated into finality. The same has been shown to the learned counsel for the appellant-plaintiff, who has not controverted the same. In such circumstances, I am of the view that any further argument and the decision thereon would be a farcical exercise in view of the subsequent events.

The appeal is dismissed by upholding the judgments and

decreases by way of supervening facts.

March 14, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No