

RSA-4803-2016 (O&M)

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

**RSA-4803-2016 (O&M)
Date of decision : 06.05.2019**

Raj Mahajan

... Appellant

Versus

Satpal and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Rishu Mahajan, Advocate
for the appellant.

AMIT RAWAL, J. (ORAL)

In compliance to the order dated 26.02.2019, learned counsel for the appellant has handed over the receipt for purchase of twenty *neem* trees, which is taken on record.

The short point involved in the present regular second appeal is whether the judgment and decree dated 02.11.1988 passed in Civil Suit titled as ***Sat Pal V/s Prem Kumari***, resulting into, decretal of the suit in favour of Satpal, brother of Prem Kumari and affirmed upto this Court on 17.10.1996, can be again agitated by Raj Kumar, nephew, aged 44 years. The answer would be 'No'. Once the defendant having the alleged interest in the property and adversarial, has not been able to set aside the decree, the same cannot be agitated again. It is a matter of record that this Court had upheld the decree in RSA No.2225 of 1996, on 17.10.1996. In such circumstances, dismissal of the suit was inevitable.

Keeping in view the aforementioned facts, I do not find any

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illegality and perversity in the judgments and decrees, under challenge, much less, no substantial question of law arises for determination. No ground is made out for interference.

The explanation given in the application for condonation of delay is bereft of the reasonable cause in not filing the appeal within time.

Accordingly,

the appeal is dismissed on the ground of delay as well as on merits.

06.05.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**