

RSA-6331-2017 (O&M)

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

**RSA-6331-2017 (O&M)
Date of decision : 01.04.2019**

Gulbahar Singh and another

... Appellants

Versus

Iqbal Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Jaideep Verma, Advocate
for the appellants.

AMIT RAWAL, J. (ORAL)

The short point involved in the present regular second appeal is whether a person, who allegedly acquired the title from Chanan Singh, the proprietor of the Village, by three sale deeds, including the share in *shamlat patti* and *deh*, on determination of the share by the Collector, sought the declaration by way of decree dated 20.08.210, can be permitted to file the second suit as in the first suit omitted to mention about the Khasra No.9 Rect. No.3. The answer is 'No'.

Mr. Verma, submitted that both the Courts below have declined the relief, on the premise that the sale deed did not give the descriptions of the khasra number.

I am of the view that the sale deeds, of course, do not mention about the khasra number, but the fact of the matter is that the plaintiff cannot be permitted to rake up the issue again, in view of the embargo of

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provisions of Order 2 Rule 2 of the Code of Civil Procedure as he had already sought the decree regarding un-described share qua *shamlet patti* and *deh*.

Keeping in view the aforementioned facts, the findings of fact and law arrived at by the Courts below cannot be said to be suffering from illegality and perversity, much less, no substantial question of law arises for determination. No ground is made out for determination. Accordingly, the present second appeal is dismissed.

01.04.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**