

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

RSA No. 703 of 2020(O&M)

Date of decision: 24.2.2020

Gurmeet Kaur

.....Appellant

VERSUS

Balwinder Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Ms. Manmohan Kaur Dhaliwal, Advocate for the appellant.

REKHA MITTAL, J.(Oral)

Challenge in the present appeal has been directed against concurrent findings recorded by the Courts whereby suit for declaration to assail sale deed No.5020 dated 17.03.2010 executed by defendant No.1 in favour of defendant No2 and permanent injunction was dismissed by the trial Court vide judgment and decree dated 15.03.2016 that came to be affirmed in appeal by the Additional District Judge, Fatehgarh Sahib.

Apart from the fact that appeal has been filed after delay of 292 days without sufficient ground to condone delay, the same is devoid of merit and deserves to be dismissed.

Perusal of the judgment of Appellate Court makes it evident that the aforesaid sale deed was the subject matter of litigation earlier initiated by Harpal Singh – defendant No.2 in which Gurmeet Kaur, plaintiff, was also a party. Copies of the judgment passed in the previous litigation are marked as Ex.D4 and D5 whereby Harpal Singh was held to be owner in possession of the property on the basis of sale deed dated 17.03.2010. Counsel for the appellant, in response to a query, has not disputed correctness of factual findings in respect of the previous litigation

between the parties and the impugned sale deed being subject matter of the said litigation decided against the appellant/plaintiff. She has also failed to advance any arguments as to how the judgments passed in the previous litigation are not binding upon the appellant/plaintiff. In this view of the matter, I do not find an error much less perversity in the impugned judgments that would call for intervention.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine.

FEBRUARY 24, 2020		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no