

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

RSA No. 648 of 2017(O&M)

Date of decision: 2.3.2020

Madan Gopal (deceased) through LRsAppellant

VERSUS

National Textile Corporation and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. G.S. Punia, Senior Advocate with
Mr. Amitoj Singh, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

CM No.11983-C of 2018

Prayer in this application is for impleading legal representatives (in short 'LRs') of Madan Gopal– appellant (since deceased).

In view of averments made in the application supported by an affidavit of Vikrant Gupta, one of the applicants, the application is allowed and persons mentioned in para 3 of the application are allowed to be impleaded as LR's of deceased Madan Gopal subject to just exceptions and for the purpose of present lis.

Amended memo of parties is taken on record.

Disposed of accordingly.

RSA No.648 of 2017

Challenge in the present appeal has been directed against concurrent findings recorded by the Courts whereby suit for permanent injunction restraining the appellant (defendant No.1) from interfering in

possession of the respondent (National Textile Corporation Ltd. Kharar) qua land measuring 23 kanal 2 marlas detailed in para 1 (un-numbered) of judgment of the trial Court was decreed by the Courts.

Perusal of the judgments makes it evident that the appellant claimed his possession in respect of land measuring 13 bigha 18 biswas, on the basis of lease deed dated 10.12.1964 purported to be executed by Panipat Woolen & General Mills Company, Kharar through Shiv Kumar Gupta, its Managing Director. The Courts have recorded consistent findings negating plea of the appellant in respect of creation of lease and his possession over the land in dispute. Counsel for the appellant would fairly inform that in another litigation between the respondent- Corporation and Shiv Kumar Gupta, Regular Second Appeal No.949 of 1990 was decided by this Court vide judgment dated 20.01.2009, noticed whereof has been taken by the Court in appeal. He would further inform that the judgment passed in the aforesaid regular second appeal has attained finality. In view of the decision in aforesaid regular second appeal which is binding upon the appellant as he has claimed right through Shiv Kumar Gupta, nothing survives for consideration of this Court.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. As the appeal has been decided on merits, application for condonation of delay is of academic relevance.

MARCH 2, 2020
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no