

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

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**CR-427 of 2019 (O&M)
Date of decision: 17.11.2022**

Lakshay Chopra and another

..Petitioners

Versus

Vinod Kumar Chopra and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.S.Shahpuri, Advocate
for the petitioners.

ANIL KSHETARPAL, J(Oral)

The First Appellate Court vide the impugned order dated 31.03.2017 has ordered the appeal to be re-heard on an application filed by successor of interest of Sh. Gulshan Kumar. The First Appellate Court while allowing the application has observed as under:-

“20. Vinod Kumar is the father of Lakshay and Neeraj Chopra. In the instant case the exparte decree was passed in Civil Appeal No.83 against Vinod Kumar without serving notice of the appeal upon him. Neither Gulshan Kumar nor applicants were arrayed as party to the proceedings despite of the fact that Lakshay and Neeraj Chopra knew about the developments, which had taken place between year 2006 to year 2009 when the appeal was filed. In the learned lower court will in favour of Vinod Kumar Chopra was upheld by virtue of judgment dated 18.4.2006. And the appeal against the judgment dated 18.04.2006 was preferred on 2.3.2009. it cannot be overlooked here that neither Vinod Kumar Chopra nor Gulshan Kumar were left with any right, title or interest in the suit property prior to filing of the appeal by Lakshay and Neeraj Chopra on 2.3.2009. The plea of collusion between Vinod Kumar Chopra, who lost suit for specific performance to Gulshan Kumar, and his sons namely Lakshay and Neeraj Chopra also cannot be outrightly rejected. The applicants have purchased the suit property for valuable consideration and at that time no litigation was pending and the judgment in favour of Vinod Kumar affirming his title was already passed and more than two years had lapsed thereafter. The judgment of learned Addl. Distt. Judge in Civil Appeal No.83 directly affects the rights of the applicants qua suit

property, so it shall not be in the interest of justice, if they are not afforded opportunity of being hearing.”

Challenging the correctness of the aforesaid order, this revision petition under Article 227 of the Constitution of India has been filed.

The learned counsel representing the petitioners, though, made sincere attempts, however, he failed to advance any convincing argument with regard to the correctness of the facts noticed in para 20 of the impugned order.

Hence, no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

November 17, 2022

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**(ANIL KSHETARPAL)
JUDGE**

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>