

Neutral Citation No.2023:PHHC:116604

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

RSA No.686 of 2004 (O&M)

Date of Decision: 05.09.2023

Reserved on: 03.08.2023

Jaswant Singh alias Yashwant Singh
through his legal heirs and others

... Appellants

Versus

Dal Singh since deceased
through LRs and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Argued by: Mr. Sanjiv Gupta, Advocate and
Mr. Kamal Deep Sehra, Advocate
for the appellants.

Mr. Rajeev Kawatra, Advocate,
for the respondents.

MANISHA BATRA, J.

1. The appellants (now dead and represented by legal representatives) who were plaintiffs in Civil Suit No.783 of 1997 titled as *Jaswant Singh and others v. Dal Singh and others*, have filed this appeal challenging the judgment and decree dated 27.07.2000 whereby the said suit had been dismissed by the Court of the then learned Additional Civil Judge (Senior Division), Nuh as well as judgment and decree dated 12.09.2003 passed by the Court of the then learned Additional District Judge, Gurugram in Civil Appeal No.72 of 2000/2003 dismissing the appeal of plaintiffs.

2. For the sake of convenience, the parties shall be referred to

hereinafter as per the original nomenclature as given in the suit.

3. Shorn of unnecessary details, the case of the plaintiffs was that the agriculture land which was measuring 55 Kanals 5 Marlas and the details of which were given in para No.1 of the plaint (henceforth to be referred as “disputed land”) was owned and possessed by them. They had filed a suit against the defendants seeking declaration with regard to their ownership and possession over the disputed land. During the pendency of the said suit, the defendant No.1, in collusion with defendants No.2 to 24 filed a Civil Suit bearing No.305 of 1997 (now to be mentioned as “Civil Suit No.305”) wherein he impleaded the General Public as defendant No.1 and the defendants No.2 to 24 were impleaded as proforma defendants. In the said suit, the defendant No.1 claimed that the name of father of Ramji Lal who was shown as a co-sharer in the jamabandies and other revenue record pertaining to the disputed land, was infact Hans Ram and the same was wrongly mentioned as Hukmi in some entries and Dulli in some other revenue entries and while claiming that the defendants No.2 to 24 (proforma defendants of Civil Suit No.305) and he himself were successors in interest of the abovesaid Ramji Lal, he prayed for correction in the name of father of the abovesaid Ramji Lal in the revenue record. It was pleaded that the General Public and defendants No.2 to 24 were proceeded against ex parte in the said case and a judgment and decree dated 06.10.1997 was passed in favour of defendant No.1.

4. The plaintiffs in the instant case challenged the validity of the judgment and decree dated 06.10.1997 on the grounds that since they were owners in possession of the disputed land and a civil suit filed by them seeking declaration to that effect was already pending against the defendants

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therefore, they were necessary parties to be impleaded in Civil Suit No.305 but were not impleaded as such; that no proper service of notice by way of publication of proclamation in the newspaper had been effected even upon the General Public and hence the said proclamation was defective. They further claimed that the disputed land was previously owned by Sh. Hukmi who was uncle of their grandfather Sh. Surjan. The said Hukmi had died unmarried and issueless and had gifted the disputed land to Sh. Surjan in the year 1923 thereby making him owner in possession of the said land. It was further pleaded that the above named Ramji Lal was neither owner nor in possession of the disputed property or any part of the same and, therefore, the claim made by defendant No.1 in Civil Suit No.305 that Sh. Ramji Lal was their predecessor in interest and they inherited the disputed land from him, was wrong. The plaintiffs accordingly prayed for passing a decree for declaration that they were owners in possession of the disputed property and further prayed for setting aside the judgment and decree dated 06.10.1997 passed in Civil Suit No.305 by alleging that the defendants had no right, title or interest over the suit land. As a consequential relief, they prayed for passing a decree for permanent injunction thereby restraining the defendants from interfering in their possession over the disputed land.

5. The defendant No.1 filed written statement raising preliminary objections as to locus standi, estoppel, maintainability and concealment of true and material facts. It was submitted on merits that the plaintiffs were co-sharers in possession only to the extent of 1/4th share in the disputed land and the remaining 3/4th share of the same was in the ownership and possession of other co-sharers. It was submitted that the suit previously filed by the plaintiffs against him and against above named Ramji Lal and one

Nanda son of Mauji, was a false and frivolous suit. It was pleaded that since the plaintiffs had no concern with the property of Sh. Ramji Lal or with Sh. Ramji Lal, therefore, they were neither proper nor necessary parties to Civil Suit No.305 and had rightly not been impleaded as such. It was asserted that the General Public was duly served by way of publication of proclamation/notice in a daily newspaper titled as 'Daily Mewat' and the plaintiffs could have very well contested the said suit, if they infact wanted to do so. With regard to the disputed land, it was submitted that infact previously Hukmi, Surjan and Nanda were co-sharers in the disputed land. Sh. Hukmi who was real uncle of Ramji Lal was co-sharer to the extent of half share and his share was succeeded to by Ramji Lal which was reflected from the revenue record also. While controverting the remaining averments, dismissal of the suit had been prayed for.

6. The defendants No.2 to 24 filed a joint written statement taking similar pleas as taken by defendant No.1.

7. The plaintiffs filed replications to the written statements filed by the defendants wherein the pleas taken in the plaint were re-asserted and that of the written statements were controverted. On the pleadings of the parties, learned trial Court framed the following issues vide order dated 20.02.1998:-

“1. Whether the judgment and decree sheet dated 6.10.97 of suit titled as Dal Singh Vs. General Public are illegal, void and liable to be set aside? OPP

2. Whether the suit of the plaintiffs is not maintainable in the present form? OPD

3. Whether the plaintiffs have no locus standi to file the

present suit? OPD

4. Whether the plaintiffs have concealed the true material facts from this court? OPD.

5. Relief.”

8. The parties adduced oral as well as documentary evidence. The plaintiffs examined four witnesses namely, PW-1 Ranveer Singh (plaintiff No.2), PW-2 Rattan Singh, PW-3 Deen Dayal and PW-4 Kalu Ram whereas the defendant No.1 examined himself as DW-1 and no evidence was produced by the defendants Nos.2 to 24.

9. After hearing learned counsel for the parties and appraising the evidence produced on record, the learned trial Court held that the plaintiffs had failed to prove that they were necessary and proper parties to Civil Suit No.305 and that the notice of the said suit was not properly served/published and accordingly dismissed the suit vide judgment and decree dated 27.07.2000.

10. Feeling aggrieved, the plaintiffs preferred a civil appeal before the First Appellate Court which too was dismissed vide judgment and decree dated 12.09.2003 and dissatisfied by the same, they approached this Court by filing the instant appeal.

11. It is submitted in the grounds of appeal and it was argued by learned counsel for the appellants-plaintiffs that the impugned judgments and decrees as passed by the learned Courts below were perverse and were not sustainable in the eyes of law as the Courts below did not apply their judicious mind and did not appreciate the evidence produced on record in a proper perspective. The learned First Appellate Court committed a grave error in holding that the suit was not maintainable and an application under

Order 9 Rule 13 of CPC should have been filed by the plaintiffs. He further argued that overwhelming evidence had been produced on record by the plaintiffs to prove the factum of their being owners in possession of the disputed land and even the defendants had admitted them to be co-sharers to the extent of 1/4th share in the same, but the learned Courts below failed to pass a decree for declaration as to their being owners in possession of the same and committed a material error. He further argued that it was also proved on record that the proclamation against the General Public as published in newspaper “Daily Mewat” was not a proper one and could not be considered to be proper service of notice in the eyes of law but the learned Courts below wrongly held that the proclamation was duly published. While further asserting that the suit challenging the judgment and decree dated 06.10.1997 as filed by the plaintiffs was very much maintainable, it was argued that the findings as given by learned Courts below were liable to be reversed and the appeal filed by them deserved to be allowed. To fortify his arguments, learned counsel for the appellants placed reliance upon authority cited as **Mahesh Yadav and another v. Rajeshwar Singh and others**, 2009 (1) R.C.R. (Civil) 422.

12. Per contra, it was argued by learned counsel for the defendant No.1 that the concurrent findings of fact given by the Courts below were well reasoned and did not warrant any interference. The Code of Civil Procedure provided that an ex parte decree could be challenged either by filing an application under Order 9 Rule 13 or by filing a substantive first appeal against decree and not by filing separate suit whereas the plaintiffs had filed a separate suit which could not be stated to be maintainable. The learned First Appellate Court had rightly held that the plaintiffs were not

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necessary or proper parties to the Civil Suit No.305 and that they were presumed to have received notice of the said suit by way of publication of the same in the newspaper and could very well have contested the same. He further argued that the plaintiffs were even otherwise not having any right of ownership in the property which was the subject matter of Civil Suit No.305 and it was originally owned by Sh. Ramji Lal and, therefore, also they had no right to file suit claiming any right of ownership in the said property and their claim was liable to be rejected due to that reason also. With these broad submissions, it was stressed that the appeal being devoid of any merits was liable to be dismissed.

13. Learned counsel for the parties were heard at length and the material placed on record of learned trial Court has been carefully perused. At the outset, it may be mentioned that the plaintiffs had claimed two reliefs by way of declaration and one consequential relief of permanent injunction, which are as follows:-

- (i) For declaring themselves as owners in possession of the disputed land comprised in Khewat Nos.1402, 1403 and 1404 measuring 55 Kanals 5 Marlas.
- (ii) For declaring the judgment and decree dated 06.10.1997 passed in Civil Suit No.305 as illegal, null and void and for setting aside the same.
- (iii) For granting relief of permanent injunction for restraining the defendants from interfering in their possession over the disputed land.

14. With regard to the claim of the plaintiffs to the effect that they were owners in possession of the disputed land, the defendants in their

written statements had admitted the same to the extent of 1/4th share and asserted that the remaining 3/4th share was owned and possessed by other co-sharers. While deciding issue No.2, though the learned trial Court, had given an observation that the plaintiffs were co-sharers in the disputed land but it is explicit that this observation was a casual one without making any further discussion as to how the trial Court had arrived at this conclusion. While deciding issue No.1, it was simply observed by learned trial Court that it was incumbent upon the plaintiffs to prove that they had right in the disputed land but no sufficient evidence was led to prove so. In this manner, two observations totally inconsistent to each other had been given by learned trial Court with regard to the claim of the plaintiffs of ownership over the disputed land and that too without giving any reasoning. So far as the learned First Appellate Court is concerned, though in para No.9 of the judgment rendered by it, it was observed that the plaintiffs were co-sharers in the disputed land but no finding either against or in favour of the plaintiffs with regard to their claim of absolute ownership and possession over the same had been given by this Court also and no reasoning was given as to and on what basis it had observed that the plaintiffs were co-sharers in the disputed land. In this manner, the evidence produced by the plaintiffs is not shown to have been appreciated by the Courts below with regard to their claim of being absolute owners of the disputed land.

15. Now, in view of the discussion as made above, the first question that arises for determination is whether the evidence led before the trial Court can be re-appreciated by this Court being Court of second appeal. It is relevant to mention here that since the regular second appeals in the State of Punjab, Haryana and UT Chandigarh are regulated by Section 41 of Punjab

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Courts Act, 1918 and not by Section 100 of the Code of Civil Procedure, therefore, this Court can certainly reappreciate evidence if the judgments passed by the Courts below reflect misreading of evidence and suffer from any perversity. Reference in this regard can be made to a Constitutional Bench judgment of Hon'ble Supreme Court in **Pankajakshi (Dead) through LRs v. Chandrika**, (2016) 6 SCC 157. More so, it is also well recognized that in second appeal, the Court must not disturb facts established by trial Court or First Appellate Court, is not an absolute one or in other words, it is not a rule set in stone and a decision based on no evidence or misappreciation of evidence can certainly be interfered with. Reliance in this regard can be placed upon authority cited as **Nazir Mahamed v. J. Kamala**, (2020) 19 SCC 57, wherein it was observed by Hon'ble Supreme Court that the Court of second appeal may disturb findings of fact in the following conditions:-

- (i) The Courts below have ignored material evidence or acted on no evidence;
- (ii) The Courts have drawn wrong inferences from proved facts by applying the law erroneously; or
- (iii) The Courts have wrongly cast the burden of proof.

Reliance can further be placed upon **Balasubramanian v. M. Arockiasamy (Dead) through LRs**, (2021) 12 SCC 529, wherein the Hon'ble Supreme Court observed that the restraint in interfering with question of facts under the jurisdiction of second appeal, is not an absolute rule. Where the Court is of the view that the conclusions drawn by the Courts below do not have a basis in the evidence led or it is of the view that the appreciation of evidence "suffers from material irregularity", the Court

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will be justified in interfering with such findings. In view of the discussion so made, this Court is of the confirmed opinion that since in the presence case, the Courts below have remained silent on the question that the plaintiffs were absolute owners in possession of the disputed land or not and infact they failed to read/appreciate the evidence led by the parties on this point at all, therefore, to that extent, it was a case of complete non-reading and misreading of evidence by the Courts below and hence, this Court is certainly justified in interfering in the judgment of the Courts below on this point and can re-appreciate the evidence.

16. Let us now look into the pleadings of the parties and the evidence produced on record by the plaintiffs with regard to their claim of ownership and possession over the entire disputed property which as averred was comprised in three Khewats bearing numbers 1402, 1403 and 1404 respectively total measuring 55 Kanals 5 Marlas. As already discussed, the defendants in their written statements had admitted that the plaintiffs were co-owners to the extent of only 1/4th share in the disputed land but denied their claim qua the remaining 3/4th share. As the finding on this question was relevant for adjudicating the other issues also, therefore, it was for the plaintiffs to prove their claim with regard to the remaining 3/4th share of the disputed land as well. Interestingly, neither in the plaint nor in the replications filed by the plaintiffs, it was explained as to on what basis, they were claiming absolute right of ownership over the disputed land. Plaintiff No.2 Ranveer Singh while appearing as PW-1 deposed that the disputed land was gifted by Sh. Hukmi who was uncle of their grandfather Surjan and who was issueless, to the latter and subsequently they had inherited the same.

However, no details mentioning the exact date, month and year of the said

gift by Sh. Hukmi had been disclosed by him nor it was his version that it was an oral gift. No document with regard to gifting the share of Sh. Hukmi to grandfather of the plaintiffs had been produced on record. Even it was not pleaded and deposed as to exactly how much area of land was gifted by Sh. Hukmi. As such, when the plea taken by the plaintiffs of their having become absolute owner of the disputed land by inheriting the same from their grandfather and gifting the same by Hukmi, was not corroborated by any satisfactory and reliable evidence either documentary or oral and was certainly a vague plea having no basis and hence, this Court is inclined to hold that on the basis of simple oral testimony of PW-1 which was not corroborated by any convincing evidence, it could not be held that the plaintiffs were co-owners of the entire disputed land though at the same time, it can be stated that they were proved to be co-owners to the extent of 1/4th share in this property not only in view of the admissions made by the defendants in their written statement but also from the entries in the Jamabandis for the years 1990-91 and 1985-86 respectively (Exs.P-3 and P-4) which were produced in evidence by plaintiffs and which have remained un rebutted and unchallenged.

17. Further as pleaded in their plaint, a separate civil suit filed by the plaintiffs seeking declaration as to their being owners of the disputed land was already pending when Civil Suit No.305 was filed by defendant No.1 but, they did not give any further details of the said suit either in their plaint or during the course of recording evidence. The defendant No.1, on the other hand, produced in his evidence Ex.D4 copy of plaint of Civil Suit No.60 titled as *Jaswant Singh and others v. Dal Singh and others* shown to be filed by the plaintiffs on 25.10.1996. Ex.D-5 is copy of statement of the

plaintiff No.2 Ranveer Singh as recorded in that suit and Exs.D-6 and D-7 are copies of judgments and decree sheet respectively dated 24.12.1998 passed in that suit. A perusal of contents of the plaint Ex.D4 reveals that the plaintiffs had sought declaration therein that they were co-owners in possession of land comprised in Khewat No.1402 (which is a part of the disputed land in this case and is shown to be measuring 46 Kanals and 19 Marlas) by pleading that it was previously owned by their grandfather Surjan and his uncle Hukmi and that Sh. Hukmi had gifted his share in the abovesaid land to their grandfather Sh. Surjan in the year 1923. Further, a perusal of Ex.D5 sworn deposition recorded by plaintiff No.2 Ranveer Singh in Civil Suit No.60 reveals that while appearing as PW-1 in the said case, he deposed in support of the averments in the said suit and had stated during his cross-examination that 27 Kanals 6 Marlas of land was gifted by Sh. Hukmi to his grandfather Sh. Surjan. In this case also they claimed themselves to be absolute owners of the disputed land including the share of Hukmi, whereas the plea of defendants as taken in Civil Suit No.305, in the written statement of this case and as per deposition of DW-1 Dal Singh is that Sh. Hukmi @ Hukma was real uncle of Ramji Lal and after the death of the former, his share in the suit land was inherited by their uncle Sh. Ramji Lal in 1949 who too had died issueless, hence after his death, the disputed land had been inherited by them. All this goes to show that infact the dispute between the parties was with regard to land which was previously owned by Sh. Hukmi and was part of the Khewat No.1402 and not the entire disputed land.

18. Further, since, the plaintiffs were claiming to have inherited the share of land previously owned by Sh. Hukmi which was part of the disputed land, therefore, the burden lied heavily on them to prove so by

leading cogent and convincing evidence which could be acted and relied upon. However, as already discussed, they could not produce any satisfactory and sufficient evidence in this regard. On the contrary, they are shown to have concealed the fact that the Civil Suit No.60 of 1996 which had been filed by them making similar claims as made in this case as to their ownership over major part of the disputed land comprised in Khewat No.1402, had been dismissed vide judgment and decree Ex.D6/D7. Though in rebuttal evidence, they produced on record Ex.P-14 copy of grounds of appeal in Civil Appeal No.11 of 1999 titled as *Jaswant Singh and others v. Dal Singh and others*, Ex.P-15 and Ex.P-16 copies of orders passed in the said appeal to show that they had challenged the judgment and decree Ex.D6 and D7 by filing the abovesaid appeal, but nothing had been brought on record by them either before the Courts below or before this Court to show the fate of the abovesaid appeal due to which an adverse inferences can certainly be drawn that the said appeal had been dismissed and since there is also no material on record to show that the said dismissal had been challenged by the plaintiffs, therefore, it can be reasonably assumed that the findings in the judgment and decree Ex.D6/D7 to the effect that the plaintiffs had failed to prove that their grandfather had been gifted with share of Hukmi in the disputed land and that they had inherited the same, have attained finality. This, coupled with the fact that in this case also, the plaintiffs could not produce any sufficient and reliable evidence on record to show that they had inherited the share of Sh. Hukmi in the disputed land and had become owners of the entire land in dispute, goes to belie the claim of the plaintiffs and, therefore, on overall assessment and appreciation of the evidence produced on record, it stands established that the plaintiffs were

proved to be co-sharers in possession only to the extent of 1/4th share in the disputed land and not beyond that. Both the Courts below failed to assess the evidence produced on that point and to take the above discussed points into consideration at all and therefore, this Court has no hesitation to hold that the plaintiffs had succeeded in proving that they were co-owners in possession to the extent of 1/4th share in the disputed land and, hence, they were certainly entitled to declaration as to their rights over the disputed land to that extent. However, since they failed to prove the factum of their ownership qua the remaining 3/4th share in the disputed land or with regard to the share which was originally owned by Sh. Hukmi on the basis of the plea of inheritance as taken by them, as such, their claim in this regard was required to be rejected and the relief of declaration as claimed by them on this point deserved to be partly granted to them which the Courts below failed to grant and hence finding given by the Courts below have become liable to be modified.

19. Now adverting to the contentions raised by the plaintiffs with regard to the findings given by learned Courts below as to maintainability of the suit filed by them wherein the challenge to the decree passed in Civil Suit No.305 had been made by the plaintiffs on the ground that no proper service of notice of the said civil suit was effected and the proclamation published was also defective. The learned trial Court had observed that the suit challenging the decree passed in Civil Suit No.305 was maintainable as the plaintiffs were co-sharers in the disputed land but also held at the same time that they were not proper and necessary parties to the Civil Suit No.305 and dismissed the same. The learned First Appellate Court took different view of the matter and observed that the civil suit was not maintainable as

the plaintiffs could challenge the decree passed in Civil Suit No.305 only by filing an application under Order 9 Rule 13 of CPC. However, with regard to the publication of proclamation against General Public who was the defendant in that suit, in the newspaper, the learned First Appellate Court upheld the findings as given by learned trial Court. Though, this Court is inclined to affirm the view that the judgment and decree passed in Civil Suit No.305 could not be challenged by the plaintiffs by filing a separate suit as it is well settled that an ex parte decree can be challenged by filing a separate suit only when it is obtained fraudulently and it was not the case of plaintiffs that the decree in Civil Suit No.305 was so obtained, however, at the same time, the observation made by the learned First Appellate Court that application under Order 9 Rule 13 of CPC was maintainable for setting aside the decree passed in Civil Suit No.305, cannot be accepted as in the opinion of this Court, the said course was available to a person who was defendant in that suit, whereas the plaintiffs of this case were not impleaded as defendants in Civil Suit No.305. In the considered opinion of this Court, the proper remedy which the plaintiffs could avail was to file an appeal under Section 96 of CPC thereby challenging the ex parte judgment and decree passed in Civil Suit No.305 if they were feeling aggrieved by the same. However, since they did not file any appeal, therefore, the relief as claimed by them for setting aside the ex parte judgment and decree by filing a suit was not maintainable and though for different reasons, this Court upholds the findings given by learned First Appellate Court that the suit could not be stated to be maintainable to the extent to which ex parte judgment and decree dated 06.10.1997 passed in Civil Suit No.305 was challenged.

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the judgments passed by the Courts below was that it was wrongly held by them that the proclamation/notice of Civil Suit No.305 was proved to be duly issued/published and learned counsel for the plaintiffs contended that this observation was wrong and the Courts below materially erred in holding so. Though, in view of the discussion made above to the effect that the suit filed by the plaintiffs was not maintainable to the extent to which they had challenged the judgment and decree passed in Civil Suit No.305, any observation by this Court on the question that there was due service of notice of Civil Suit No.305 upon the General Public or the present appellants/plaintiffs were necessary parties to the said suit, has become redundant but since the findings given by the Courts below mainly revolved on this point, therefore, this Court proceeds to discuss the same. As already discussed, the Courts below held that there was due service of notice of Civil Suit No.305. However, on a careful assessment of the material placed on record, this Court is inclined to hold that the findings given by learned trial Court on this point were not sustainable at all. The reason is that the Courts below have relied upon Ex.PW-3/2 a print of the newspaper “Daily Mewat” wherein the notice of the suit filed by defendant No.1 titled as *Dal Singh v. General Punjab and others* was published. Though the number of this civil suit was 305/1997 as revealed from other documents placed on record but in Ex.PW-3/2 which was printed as 24/97. Even the title of the suit has not been correctly printed as it is shown to be a suit for declaration as well as application for appointing guardian of some minor and on a bare reading of this notice/proclamation, no inference could be drawn by any person of ordinary prudence that it was relating to the disputed land or pertaining to correction of name of father of co-sharer Ramji Lal in the said land. Rather

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this proclamation is quite vague and even if it is assumed that the plaintiffs were subscribers of the above mentioned newspaper and were living in the locality wherein this newspaper was circulated, it cannot be stated that they were made aware from this publication that it was pertaining to the property in which they too were recorded as co-sharers and was qua correction of name of father of some co-sharer in the same. As such, the findings as given by learned trial Court on this point have become liable to be set aside and are accordingly reversed.

21. As a sequel to the discussion made above, it emerges that since the evidence adduced on behalf of the appellants-plaintiffs was not analyzed at all by the Courts below for the purpose of giving any finding on the question that the appellants-plaintiffs were absolute owners or co-sharers in the disputed land and as on appreciation of the evidence produced on record, it is observed by this Court that the appellants were proved to be co-owners in possession to the extent of 1/4th share share in the disputed land, therefore, the appellants-plaintiffs certainly deserved to be granted a decree for declaration to the effect that they were co-owners in possession to the extent of 1/4th share in the disputed land and were entitled to seek injunction qua interference in their share. Accordingly, the findings given by the Courts below in the judgments respectively passed by them are ordered to be modified and a decree for declaration is granted to the plaintiffs thereby declaring them to be co-owners to the extent of 1/4th share in the disputed land and by way of consequential relief of permanent injunction, the respondents-defendants are ordered to be restrained from interfering in the possession of the appellants-plaintiffs over the same till the same is partitioned by metes and bounds. The suit is ordered to be decreed partly in

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the terms as mentioned above. However, with regard to the claim of the appellants-plaintiffs for declaring the judgment and decree dated 06.10.1997 passed in Civil Suit No.305 as illegal and their prayer for setting the same aside does not deserve to be allowed and the judgments of the Courts below do not warrant any interference on that point and are accordingly upheld. The appeal is partly accepted. No order as to costs.

22. Miscellaneous application(s), if any, also stand disposed of.

5.9.2023
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No