

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****RSA-1904-2017 (O&M)****Reserved on : 04.12.2024****Pronounced on : 10.12.2024**

Beant Singh and Others

....Appellants

VERSUS

Charanjeet Kaur and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Kiranjeet Kaur, Advocate for the appellants.
(joined through hybrid mode)

ALKA SARIN, J.

1. The present appeal is by the defendant Nos.1 to 3-appellants against the judgements and decrees dated 22.04.2014 and 14.12.2016 passed by the Trial Court and the First Appellate Court.

2. The plaintiff-respondent No.1 filed a suit for symbolic possession by way of specific performance of agreement to sell dated 21.01.2010 which is duly executed by defendant Nos.1 to 3-appellants qua agricultural land measuring 8 Kanals 15 Marlas and for permanent injunction. The suit was contested by all the defendants including defendant Nos.1 to 3-appellants.

3. Vide judgement and decree dated 22.04.2014 the Trial Court partly decreed the suit of the plaintiff-respondent No.1 for the alternative relief of recovery of Rs.5,00,000/- as damages to be paid by defendant Nos.1 to 3-appellants along with interest @ 9%. The judgement and decree passed by the Trial Court was challenged by the plaintiff-respondent No.1 who prayed for grant of a decree of specific performance. No appeal was filed by

the defendant Nos.1 to 3-appellants. The appeal of the plaintiff-respondent No.1 was dismissed by the First Appellate Court vide judgement and decree dated 14.12.2016. Now the present regular second appeal has been filed by the defendant Nos.1 to 3-appellants challenging the judgements and decrees passed by the Trial Court and the First Appellate Court.

4. Learned counsel for the defendant Nos.1 to 3-appellants has not been able to convince this Court as to how a second appeal at the behest of the defendant Nos.1 to 3-appellants is maintainable since they never challenged the judgement and decree passed by the Trial Court whereby the suit of the plaintiff-respondent No.1 was partly decreed. The First Appellate Court infact dismissed the appeal of the plaintiff-respondent No.1. Once the defendant Nos.1 to 3-appellants accepted the judgement and decree passed by the Trial Court they cannot now challenge the judgement and decree passed by the First Appellate Court which only affirmed the decision reached by the Trial Court and that too in an appeal filed by the plaintiff-respondent No.1.

5. In view of the above, the present regular second appeal is held to be not maintainable at the behest of defendant Nos.1 to 3-appellants and is dismissed. Pending applications, if any, also stand disposed off.

10.12.2024
jk

(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No