

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****RSA-4469-2018 (O&M)****Date of Decision: - 27.11.2024**

Mohan Singh

... APPELLANT

Vs.

Joginder Singh and others

... RESPONDENT

**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present:- Mr. Nitish Garg, Advocate for the appellant.

**DEEPAK GUPTA, J.**

Suit for declaration filed by the plaintiff - Mohan Singh (*appellant herein*) was dismissed by the trial Court on 06.09.2016; whereas, counter-claim of defendant No.1-Joginder Singh (*respondent No.1 herein*) was decreed. Appeal filed by the plaintiff-appellant was dismissed by the First Appellate Court on 11.10.2017.

2. Against the above concurrent findings, the plaintiff has approached this Court by way of the present Regular Second Appeal.

3. Plaintiff claimed declaration regarding suit property measuring 3 kanal 12 marla on the basis of sale deed dated 08.04.1999 executed in his favour by defendant No.2-Ajit Singh (*respondent No.2 herein*). On the other hand, defendant No.1-Joginder Singh had filed a suit for specific performance against Ajit Singh and others regarding 9 kanal 6 marla of land, which included the land claimed by the plaintiff, on the basis of an agreement to sell dated 07.01.1991. Said suit for specific performance was filed by defendant No.1-Joginder Singh on 14.09.1995 and was decreed on 30.10.2004.

4. It is, thus, apparent that suit property was purchased by the plaintiff from defendant No.2 Ajit Singh on 08.04.1999 during the pendency of the suit filed by defendant No.1-Joginder Singh for specific performance.

5. In the aforesaid facts and circumstances, the Courts below did not commit any error in coming to the conclusion that sale deed in favour of the plaintiff was hit by Section 52 of the Transfer of Property Act, 1882 and as such, plaintiff-appellant was bound by the result of the litigation as filed by defendant No.1-Joginder Singh. His rights are subservient to the judgment passed in the suit for specific performance filed by defendant No.1-Joginder Singh. Once the suit for specific performance in favour of defendant No.1-Joginder Singh was decreed, plaintiff cannot be held to have derived any title on the basis of sale deed dated 08.04.1999.

6. Consequently, this Court does not find any scope to interfere in the well reasoned concurrent findings of facts as recorded by the Courts below. No question of law is found to be involved.

Dismissed.

27.11.2024  
*Vivek*

(DEEPAK GUPTA)  
JUDGE

|                            |     |
|----------------------------|-----|
| Whether speaking/reasoned? | Yes |
| Whether reportable?        | No  |