



RSA-2835-2019 (O&M)

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

RSA-2835-2019 (O&M)

Date of decision: 13.01.2025

Jaswant Singh

....Appellant

Versus

Joginder Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

ANIL KSHETARPAL, J (Oral)

The correctness of the concurrent findings of fact arrived at by the courts below is assailed by the plaintiff no.1 in this Regular Second Appeal. The plaintiff sought relief of injunction on the ground that his brother, who was Member of the Harijjan Society had nominated him. The defendants contested the suit and claimed that the previous suit filed by the plaintiff was dismissed on 09.11.2010, which in appeal was upheld on 26.07.2011. Both the courts dismissed the plaintiff's suit while relying upon the judgment Ex.D1 passed by the trial court on 09.11.2010 on the ground that subsequent suit is barred by the principle of res judicata. Moreover, society, which was owner of the property has not been impleaded as party. The aforesaid judgment and decree has been upheld by the First Appellate Court.

Learned counsel representing the appellant contends that the plaint of the previous suit has not been filed.



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This Court has considered the submissions made by the learned counsel representing the appellant.

The judgment and decree Ex.D1, which in appeal, was affirmed, is not in dispute. Both the detailed judgments have been passed after noticing the contentions of both the parties. The plaintiff has also failed to prove that he was appointed as nominee of his brother. The plaintiff in his deposition admitted that he filed the previous suit. Moreover, the Society, which owns the property, is not a party. Hence, no ground to interfere is made out.

Dismissed.

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

13.01.2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE