



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

RSA-1926-2015 (O&M)

Date of decision : 28.08.2025

Rajat Kumar & anr.

..... Appellants

Versus

Sanjay Kumar Parnami & anr.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Raj Kumar Kakkar, Advocate for the appellants.
(Through V.C.)

Mr. Sandeep Jasuja, Advocate for the respondents.

PANKAJ JAIN, J. (ORAL)

1 Appellants-Plaintiffs are in second appeal. For convenience parties hereinafter are referred to by their original position in the suit, i.e. the appellants as plaintiffs and respondents as defendants.

2 Plaintiffs filed suit seeking decree of permanent injunction restraining the defendants from illegally and unlawfully making holes or damaging and demolishing the northern wall of the property.

3 The suit was contested by the defendants. Defendants challenged the maintainability of the suit on the ground that the parties had an arbitration agreement between them. The dispute between the parties was referred to the arbitrators. Arbitrators passed award against which appeal was preferred under Section 34 by the plaintiff which stands dismissed and thereafter the present appeal has been filed bearing FAO-3731-2009 before



this Court. Both the Courts below have non-suited the plaintiffs on the ground that the award passed by the Arbitrator having attained status of a decree and appeal preferred by the plaintiffs against the same having been dismissed, the present suit would be barred by principle of *res-judicata* i.e., no party can be vexed twice for the same cause of action.

4 Counsel for the appellants, while assailing the findings recorded by the Courts below, submits that the reasoning recorded by the Courts below can be held good *qua* plaintiff No.2, the same cannot be held to be binding upon plaintiff No.1, who was not a signatory to the arbitration agreement.

5 Counsel for the defendants has drawn attention of this Court to the facts noticed in para No.2 by the Lower Appellate Court. The same have been culled out from the plaint. As per plaint, plaintiff No.2 purchased property from the mother of plaintiff No.1. He thus submits plaintiff No.1 thus has no independent right and his right is dependent upon the rights of plaintiff No.2.

6 Apart from that it has also come on record that in the suit plaintiff No.2 has been acting as power of attorney of plaintiff No.1.

7 In view thereof, this Court does not find any reason to interfere in the present appeal and the same is ordered to be dismissed.

8 Pending miscellaneous application, if any, also stands disposed off.

28.08.2025
Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No