

RSA-2078-2019 (O&M)
RSA-2475-2019 (O&M)

1

2026:PHHC:050007



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

Date of decision : 01.04.2026

RSA-2078-2019 (O&M)

Municipal Corporation, Faridabad through its Commissioner/Joint
Commissioner
Versus
....Appellant

Manorma Devi and another
...Respondents

RSA-2475-2019 (O&M)

Municipal Corporation, Faridabad through its Commissioner/Joint
Commissioner
Versus
....Appellant

Raman Lal
.....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Pritam Singh Saini, Advocate,
Mr. Deepak Singh Saini, Advocate and
Ms. Vamika Johar, Advocate
for the appellant (in both appeals).

Mr. Akash Jain, Advocate and
Mr. Sumeet Jain, Advocate
for respondent No.1 (in both appeals).

PANKAJ JAIN, J. (ORAL)

CM-5659-C-2019 in RSA-2078-2019
CM-6704-C-2019 in RSA-2475-2019

Instant applications have been filed under Section 151 CPC
seeking condonation of delay in re-filing the present appeals.

For the reasons recorded in the applications, this Court is
satisfied that the applicant/appellant has made out a sufficient cause for



condonation of delay. Consequently, the present applications are allowed.

Delay of 49 days in re-filing RSA-2078-2019 and 29 days in RSA-2475-2019, is hereby condoned.

Main Appeals

Counsel for the parties are *ad idem* that both appeals arise out of the similar set of facts. For brevity, RSA-2078-2019 is taken as lead case and the facts are being culled out from the same.

2. Plaintiff is in appeal aggrieved of the judgment & decree passed by the Courts below.

2.1. Plaintiff filed suit seeking decree of declaration to the effect that the plaintiff is the owner in possession of the suit land as detailed out in the plaint. Further declaration was sought to the effect that sale deeds, dated 15.11.1989 and 07.08.1990 in favour of the defendants and the consequential mutations based thereupon are illegal, null and void and are not binding upon the rights of the plaintiff. Plaintiff further prayed for grant of decree of mandatory injunction against the defendants directing them to hand-over the vacant physical possession of the suit property.

3. It has come on record that twice the dispute between the parties travelled up to the highest Court of the land. In both the rounds, the claim projected by the present plaintiff was repelled and rejected. Twice *lis* was adjudicated in favour of defendants and their predecessor-in-interest. It is in these circumstances, that the Lower Appellate Court while dismissing the appeal, observed that :



“24. Appellant-plaintiff in its plaint admitted that respondents-defendants had purchased the suit property from one Charat Singh son of Nathan Singh by virtue of sale deeds dated 15.11.1989 and 7.8.1990. The respondents-defendants had filed suit for perpetual injunction against the appellant-plaintiff regarding the suit land which was decreed by the court of Shri S.K.Garg, the then Additional Civil Judge, Senior Division, Faridabad vide its judgment and decree dated 21.7.2001 restraining the MCF-defendant from demolishing the suit property and from taking possession from them. The appeals filed by MCF were dismissed upto Hon'ble Supreme Court of India. Earlier to that Charat Singh had filed one civil suit against Faridabad Complex which was decided on 26.5.1988 by the court of Shri Lalit Batra, the then Sub Judge, IInd Class, Faridabad. Learned counsel for the appellant-plaintiff pleaded that those decisions were without jurisdiction. To the great surprise of this court once the matter is settled by Hon'ble Supreme Court of India, in such situation, filing of present suit in continuation of the same in appeal on the face of it appears to be a burden on the judicial system.

25. Learned trial court rightly placed reliance on the judgment passed by Sh. Lalit Batra, the then Sub Judge, IInd Class, Faridabad (Ex D5).

26. In the light of above discussion, it is absolutely clear that findings of learned trial court on issue nos.1,2 and 3 are based upon proper appreciation, pleadings and evidence and same deserves to be protected in this appeal.

27. In the earlier litigation referred to above the rights of the parties had already been determined by the competent court of law. Once a civil suit which was decided by the court of Shri S.K.Garg which reached upto Hon'ble Supreme Court of India and the SLP filed by the appellant-plaintiff was dismissed, it does not lie in the mouth of appellant-plaintiff that earlier judgments were without any jurisdiction, null and void. The earlier judgments could not be



considered null and void merely on the ground that appellant Corporation failed to file its written statement and its defence was struck off due to mistake of lawyer. The appellant-plaintiff is out of possession. He has challenged the sale deed by way of filing the present suit on 12.3.2013. Pleadings of the appellant-plaintiff found to be totally contradictory and paradoxical. When all these facts and circumstances are examined in tandem with each other, the net result comes that suit for declaration and permanent injunction is not maintainable. The suit has been filed after expiry of the limitation. The previous judgments operates as resjudicata and binding upon the parties. No one can be vexed twice for the same cause.”

4. Mr. Saini is not in a position to dispute that in the earlier rounds of litigation, the property involved was the same.

5. Having heard counsel for the parties and after carefully perusing records of the case, this Court finds that from the records, it is discernible that predecessor-in-interest of the present defendant, Charat Singh filed suit for injunction against one Praduman Singh in the year 1982. Vide Exhibit D29 and Exhibit D30, suit filed by Charat Singh was decreed. He was held to be owner in possession. While the aforesaid suit was pending, the present appellant issued notice dated 12.06.1982 to Charat Singh under Sections 208, 209, 235 of Haryana Municipal Act, 1973 *qua* the construction raised by him over the land in question. Charat Singh filed second suit against Faridabad Complex Administration i.e., predecessor-in-interest of the present appellant, on 11.06.1986. The said suit was decreed vide Exhibits D5 and D6 on 26.05.1988. Administration was restrained



from demolishing any construction by Charat Singh, who was held to be owner in possession of the suit land. Building plan was sanctioned on 01.07.1988 by the present appellant. Charat Singh vide sale deed, dated 15.11.1989, Exhibit D2, sold part of the property in favour of defendant Sangeeta Rani. Another part of the property was sold in favour of Manorma Devi vide sale deed dated 07.08.1990, Exhibit D1. Again the appellant raised issue w.r.t. title of Manorma Devi. She was again constrained to file civil suit, Exhibit D7, on 20.05.1995. The same was decreed vide judgment & decree dated 21.07.2001, Exhibits D8 and D9. Municipal Corporation, Faridabad preferred Civil Appeal No.12 of 2004 which was dismissed vide judgment and decree, dated 19.01.2005, Exhibit D20. The judgment and decree passed by Courts below were assailed before this Court in Regular Second Appeal No.2113 of 2005. Regular Second Appeal was dismissed by this Court vide order dated 06.05.2009, Exhibit D23. The Municipal Corporation, Faridabad preferred SLP before Supreme Court. The same was also dismissed vide order dated 02.03.2012, Exhibit D26.

6. Accordingly, this Court finds that the Courts below have rightly non-suited the plaintiff and dismissed the suit holding the same to be barred in view of the findings recorded by the Courts in the earlier rounds of litigation.

6. In view of above, finding no merit in the present appeals, the same are ordered to be dismissed.

6



- | | |
|---------------------------|----------------------|
| April 01, 2026 | (Pankaj Jain) |
| Dpr | Judge |
| Whether speaking/reasoned | : Yes/No |
| Whether reportable | : Yes/No |