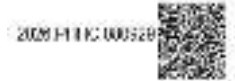


**RSA-5888-2018 (O&M) and
other connected appeal**

1



303

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

Date of decision : 21.05.2026

**RSA-5888-2018 (O&M)
RSA-3593-2018 (O&M)**

RAM LAL

....Appellant

Versus

RAM PARTAP DECEASED THROUGH LRS AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

**Present : Mr. Deepak Aggarwal, Advocate (through V.C.)
for the appellant.**

**Mr. Sunil K. Garg, Advocate
for respondent No.1.**

PANKAJ JAIN, J. (ORAL)

CM-16319-C-2018 in RSA-5888-2018

This is an application filed under Section 151 CPC seeking
condonation of delay of 270 days in re-filing the instant appeal.

For the reasons recorded in the application, this Court is
satisfied that the applicant/appellant has made out a sufficient cause for
condonation of delay.

Consequently, the present application is allowed. The delay of
270 days in re-filing the instant appeal is hereby condoned.



CM-9793-C-2018 in RSA-3593-2018

This is an application filed under Section 151 CPC seeking condonation of delay of 548 days in re-filing the instant appeal.

For the reasons recorded in the application, this Court is satisfied that the applicant/appellant has made out a sufficient cause for condonation of delay.

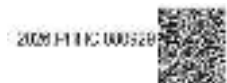
Consequently, the present application is allowed. The delay of 548 days in re-filing the instant appeal is hereby condoned.

**RSA-5888-2018 (O&M)
RSA-3593-2018 (O&M)**

The grievance of the appellant is that in the injunction suit wherein the title was not in issue, merely for the reason that the plaintiffs established their possession, they ought not have been held to be owners of the suit property.

2. Counsel for respondent No.1 on the other hand submits that the property is situated within the *lal lakeer*, thus the possessee has been rightly declared to be owner of the suit property. Counsel however, admits that the present suit was merely a suit for injunction and not suit for declaration.

3. Having heard counsel for the parties and after carefully perusing the records of the case, this Court finds that it being settled law that finding w.r.t. title recorded by the Civil Court in a suit for injunction, cannot operate as *res judicata*, the judgment passed by the Trial Court is



accordingly clarified and it is ordered that the finding recorded w.r.t. ownership shall not operate as *res judicata* in the title suit.

- 4. In view of above, the instant appeals are disposed off.
- 5. Pending application, if any, shall also stand disposed off.
- 6. A copy of this order be kept on the file of other connected case.

May 21, 2026

(Pankaj Jain)
Judge

Dpr

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No