

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No. 3168 of 2009
Date of Decision: 31-08-2009

Ram Sarup and others

.....Appellants

Versus

Mangat and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Shri Ramesh Hooda, Advocate, for the appellants.

HEMANT GUPTA, J. (Oral).

The defendants are in second appeal aggrieved against the judgment and decree passed by the Courts below, whereby suit of the plaintiff for possession of the land measuring 80 kanals, has been decreed.

Earlier, the defendant-appellants has filed a civil suit claiming title over the suit property. The said suit was dismissed vide judgment and decree dated 13.1.1996 (Exhibits P.1 and P.2). Such judgment and decree were affirmed in appeal vide judgment and decree dated 27.10.1998 (Exhibits P.3 and P.4).

Since the claim of the defendant-appellants over the suit property stands negated in the earlier proceedings, the findings recorded therein operate as res-judiciata and have rightly been taken into consideration to grant a decree in favour of the plaintiff.

Consequently, I do not find any patent illegality or material irregularity in the finding recorded or that the finding recorded gives rise to any substantial question of law in the present second appeal.

Hence, the present appeal is dismissed.

(HEMANT GUPTA)
JUDGE

31-08-2009
ds