
(2010) 11 P&H CK 0651

High Court Of Punjab And Haryana At Chandigarh

Case No: ESA No. 17 of 2010 (O and M)

Charan Singh and
Others

APPELLANT

Vs

Garja Singh and Others

RESPONDENT

Date of Decision: Nov. 15, 2010

Hon'ble Judges: Gurdev Singh, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Gurdev Singh, J.

Heard.

1. This is the second appeal preferred by Charan Singh and others - Appellants/objectors against the order dated 06.04.2010 passed by learned Addl. District Judge, Patiala vide which their appeal preferred against the order dated 19.07.2008 passed by learned Civil Judge (Jr. Division) Patiala dismissing their objection petition filed in the Execution Petition titled as "Garja Singh and Ors. v. Inder Singh and Ors." was dismissed.

2. The facts are not disputed by the parties. The Appellants are claiming themselves to be in possession of the land in dispute as mortgagees. Decree was passed in favour of Garja Singh and another for possession of that land. Previously, the present Appellants filed civil suit No. 29 dated 22.02.2005, which was decided by Civil Judge (Jr. Division), Patiala vide judgment and decree dated 31.10.2008. In that suit, they claimed themselves to be in possession of the land in dispute as mortgagees and claimed title on the ground that they have become the owners by efflux of time. Their suit was dismissed. They preferred first appeal against the judgment and decree dated 31.10.2008 but the same was dismissed vide judgment dated 19.01.2010. The second appeal filed by them was dismissed by this Court on 19.04.2010.

3. The finding recorded in the said suit that the Appellants failed to prove their possession over the land in dispute as mortgagees and that they have become the owners of the land in dispute has become final. Similar question was involved in the objection petition, which was decided against them. When the matter already stands decided by the civil court in the civil suit, Appellants have no right to raise that point again in the execution application.

4. No substantial question of law arises in this appeal. I do not find any merit in this appeal and the same is hereby dismissed.