



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

RSA No.1177 of 1993 (O&M)

Date of Order:14.02.2025

**Ganesha Ram (since deceased) through LRs
Versus**

.Appellant

Vinod Kumar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.P.S. Tinna, Advocate, for the appellant.

ANIL KSHETARPAL, JUDGE (Oral)

1. The plaintiff assails the correctness of the judgment and decree passed by the First Appellate Court which in turn has modified the judgment and decree passed by the trial court in Civil Suit no.311 of 1988, titled as 'Vinod Kumar vs. Salochana and others, decided on 29.11.1988.

2. In substance, the plaintiff claims to be a tenant in possession of the property which was declared surplus (beyond the ceiling limit in the hands of big landowner) late Smt. Chunni. His application for purchase of certain portion of the land was allowed by the Assistant Collector. His another application for purchase of additional area in accordance with the provisions of Punjab Security of Land Tenures Act, 1953, was pending. On the basis of a Will, Smt. Chunni's property was claimed to have been bequeathed. The plaintiff claims that respondent nos.5 to 7, prepared a false award by illegal means and due to the false award, decree dated 29.11.1988, was passed in their favour and they claim to have become small land owners.

3. The First Appellate Court while partly accepting the plaintiff's appeal has held as under:-



“The appeal is, therefore, partly accepted and the suit filed by the plaintiff/respondent is partly dismissed and the decree dated 29.11.1988 is held to be a valid decree, but the same will not affect the rights of the tenant/plaintiff prevailing at present in the land in dispute and the land which has been purchased by the tenant out of the land in dispute and the land which is to be purchased by the tenant in future out of the land in dispute. The decree passed by the trial court stands modified accordingly. Decree sheet be prepared. Taking into consideration the specie nature of the suit, the parties are left to bear their own costs.”

4. It is evident that the First Appellate Court specifically declared that the decree passed on 29.11.1988, to which he was not a party, shall not affect his rights. The court also declared that any order which may be passed in favour of the plaintiff in future to purchase the property shall not, in any way, get affected by the aforesaid decree.

5. In view of the aforesaid position, the grievance of the plaintiff stands redressed and the cause for filing the regular second appeal does not survive.

6. Keeping in view the aforesaid facts, the Regular Second Appeal is disposed of.

7. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

February 14, 2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No