



In the High Court of Punjab and Haryana, at Chandigarh

Regular Second Appeal No. 694 of 2025 (O&M)

**Reserved On: 30.04.2025
Pronounced On: 05.05.2025**

Moringa Developers Private Limited

... Appellant(s)

Versus

Shardhanand Anathalaya Trust (Regd.) and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ashish Aggarwal, Senior Advocate
with Mr. Vishal Pundir, Mr. Saket Bhandari and
Mr. Anmol Rattan S. Dhillon, Advocates
for the appellant(s).

Anil Kshetarpal, J.

CM-2470-C-2025

1. The appellant claims to be the purchaser of the suit property, hence, leave to file an appeal is granted. Application stands disposed of.

CM-2469-C-2025

2. For the reasons stated in the application, the same is allowed and delay of 533 days in filing the appeal is condoned.

RSA-694-2025

3. The alleged subsequent purchaser of the property assails the correctness of the First Appellate Court's judgment, which, in turn, has reversed the judgment of the Trial Court. The only relief granted to the plaintiff who runs an orphanage for the welfare of the destitute children, is to the effect that their names be reflected in the revenue record in place of

Gaushala Mandir Shivaji, Karnal. The plaintiff has not been granted any other relief. In the revenue record, Gaushala Mandir Shivaji, Karnal, is reflected as a mortgagee. The plaintiff claims that subsequently, Gaushala Mandir Shivaji, Karnal, was merged with the plaintiff, hence, the entries in the revenue record should be in the name of plaintiff in place of Gaushala Mandir Shivaji, Karnal. Though the plaintiff also claims to be the owner of the property as the mortgagors failed to redeem since 1943, however, the First Appellate Court has not declined the aforesaid relief.

4. Heard the learned counsel representing the appellant, at length and with their able assistance, perused the paper-book.

5. The learned counsel representing the appellant submits that the First Appellate Court has erred in partly decreeing the suit while relying upon a judgment passed in the previous suit (Ex.PW.3/A) with respect to another set of property of Gaushala Mandir Shivaji, Karnal. He submits that the judgment passed in a separate suit shall not be relevant and binding upon the Court. He further submits that some part of the land has been acquired and the plaintiff claims compensation for acquisition of the land on the basis of this impugned judgment.

6. This Court has considered the submissions of the learned counsel representing the appellant.

7. Ex.PW.3/A is a judgment passed by the Court of competent jurisdiction in a suit titled as “Shradha Nand Anathalya through its Manager v. General Public”. It came on the record that Gaushala Mandir Shivaji, Karnal, was not in existence from the year 1927 and in its place the plaintiff came into existence. The plaintiff also produced the resolutions

passed by the governing body on 29.09.1985 and 14.08.1999 resolving that the property of Gaushala Mandir Shivaji, Karnal, would vest in the plaintiff. On the basis of those resolutions, the plaintiff applied for compensation which was declined. Hence, the plaintiff was forced to file a suit. Before passing the judgment (Ex.PW.3/A), publication in the newspaper was carried but no objections were received.

8. The aforesaid judgment may not be binding, however, it is a relevant piece of evidence. Hence, the First Appellate Court has not erred in placing reliance on the same.

9. Keeping in view the aforesaid discussion, this Court does not find any merit in this appeal. Hence, the present appeal is dismissed.

10. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

May 05, 2025
"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No