



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

**RSA-3371-2016 (O&M)**

**Date of decision : 15.09.2025**

HARI SINGH AND OTHERS

...Appellants

Versus

BUDHI KHAN AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN**

Present : Mr. Ashish Gupta, Advocate for the appellants.

Mr. Jayant Yadav, Advocate for

Mr. P.R. Yadav, Advocate for the respondents.

**PANKAJ JAIN, J. (ORAL)**

Plaintiffs are in second appeal. For convenience, the parties hereinafter are referred to by their original position as before the Court of the First Instance i.e. the appellants as plaintiffs and the respondents as defendants.

2. Plaintiff filed suit for declaration to the effect that order dated 09.06.1981 passed by Assistant Collector, 1<sup>st</sup> Grade, Nuh, judgment dated 19.03.1985 passed by Senior Sub Judge, Gurgaon and the judgment & decree dated 18.08.2009 passed by Civil Judge (Senior Division), Nuh are illegal, null and void. Further declaration sought was to the effect that the plaintiffs be declared as mortgagors and be allowed to redeem the suit by deposit of mortgage money.



3. Parties are in third round of litigation. In the first round, plaintiffs moved application seeking redemption of the mortgaged land by filing an application under Section 4 of the Redemption of Mortgagees Act (Punjab), 1913, before Assistant Collector, 1<sup>st</sup> Grade, Nuh. The application was dismissed vide order dated 09.06.1981. The order is on record as Exhibit PB. Under the Act, the party aggrieved of dismissal of the application or acceptance thereof, is entitled to challenge the same by filing suit under Section 7. Admittedly, plaintiff filed suit under Section 7 challenging order dated 09.06.1981, Exhibit PB. The suit was dismissed. No appeal was preferred. The judgment thus attained finality. The plaintiffs were held not entitled to right of redemption.

4. In the second round of litigation, defendants filed Civil Suit No.109 dated 19.03.2004 seeking declaration to the effect that they have become owners of the suit land by way of adverse possession. Suit was decreed in favour of the defendants vide judgment and decree dated 18.08.2009. Present plaintiffs, who were impleaded as defendants in the said suit, opted not to challenge the judgment by preferring any appeal under Section 96 CPC. The declaratory decree attained finality.

5. Instant suit is third foray of litigation initiated at the behest of the appellants seeking annulment of the orders passed by the courts in the earlier two rounds of litigation. Once the plaintiffs have already been held not entitled to right of redemption and the defendants have been declared to



be owners of the suit land, counsel for the appellants has not been able to show as to how the present suit can be said to be maintainable. Without assailing the judgments suffered in the earlier round of litigations, plaintiffs cannot be allowed to foray into third round of *lis* when the findings have already attained finality.

6. So has been held by the Courts below.

7. In view thereof, this Court finds no merit in the instant appeal.

The same is ordered to be dismissed.

8. Pending application(s), if any, shall also stand disposed off.

**September 15, 2025**

**(Pankaj Jain)**

**Dpr**

**Judge**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No