



RSA-2001-2023(O&M)

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

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RSA-2001-2023 (O&M)

Date of Decision: 22.04.2025

Hardial Singh

... Appellant

Vs.

The Railway Mazdoor Co-operative
House Building Society Limited and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sanjeev Kumar Arora, Advocate
for the appellant.

SUVIR SEHGAL J.

1. Assailing concurrent finding recorded by the two courts, appellant-plaintiff has approached this Court by way of instant second appeal.

2. Hardial Singh, appellant and Pipal Singh (since deceased) through legal representatives (for short 'the plaintiffs') filed a suit against Railway Mazdoor Cooperative House Building Society Limited and others (for short 'defendants') for permanent injunction restraining them from interfering in their possession over two plots measuring 9 marlas each and restraining the defendants from interfering in the construction over the plots in dispute. This suit is being referred hereinafter as "the first suit". Railway Mazdoor Cooperative House Building Society



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Limited filed a separate suit against Hardial Singh, Surjan Singh and Pipal Singh (since deceased) through his legal representatives for permanent injunction restraining them from dispossessing the Society from the suit land and directing them to remove the debris of illegal construction raised on the site in question. The suit is being referred to as “the second suit” for the sake of convenience. Both the suits were clubbed and after contest, trial Court vide judgment and decree dated 20.12.2018 dismissed the first suit and decreed the second suit. A decree for permanent injunction was passed in favour of the defendant-society. Two separate appeals were filed which were dismissed by the first Appellate Court by judgment dated 01.04.2023.

3. Plaintiff preferred RSA No. 1697 of 2023 for setting aside the judgments and decrees passed by the courts below and for dismissing the second suit filed by the defendant society. After hearing, the appeal has been dismissed by a co-ordinate Bench of this Court vide judgment dated 19.07.2023. It could not be disputed that judgment passed by a co-ordinate Bench of this Court has become final.

4. By way of instant appeal, plaintiff has questioned the judgments and decrees passed by the courts in the first suit. He has sought setting aside of the impugned judgments and decrees and has sought the decretal of the suit. As the impugned judgments and decrees have been unsuccessfully challenged before this Court in RSA No 1697 of 2023, present appeal must fail.

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5. For the reasons given in RSA No.1697 of 2023, this Court does not find any merit in the instant appeal, which is dismissed though with no order as to costs.

6. Pending application, if any, shall stands disposed off.

22.04.2025

pooja saini

(SUVIR SEHGAL)**JUDGE**

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No