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

RSA-173-2022 (O&M)

Date of Decision : 04.04.2025

Mahabir Parsad Saini & Ors

... Appellant(s)

Versus

State of Haryana & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. J.P. Sharma, Advocate for the appellants.

ALKA SARIN, J. (Oral)

1. The present regular second appeal has been preferred by the appellants who were not impleaded as parties before the Trial Court but were allowed to assist.

2. Brief facts relevant to the present *lis* are that a suit for declaration and injunction was filed by the plaintiffs in a representative capacity under Sections 91 and 92 of the Code of Civil Procedure, 1908 for grant of a decree of declaration with consequential relief of permanent injunction. It was averred in the plaint that the provincial Government had sold the suit land in favour of defendant No.2 vide a conveyance deed dated 04.03.1987 and the sale was under the provisions of the Nazool Land (Transfer) Rules, 1956. The suit was filed claiming that the property in dispute which was sold, was in fact used as a pond and was dedicated for public purposes. Both the Courts concurrently found that there was no water in the pond and the land was being leased out since 1974-75. During the pendency of the present suit, an application was filed under Order 1 Rule 10 CPC by the appellants herein for being impleaded as a party. Vide order

dated 14.08.2015 the Trial Court permitted the appellants herein to assist the Court but did not implead them as a party. The appellants being satisfied with the said order addressed arguments. The suit was dismissed vide the judgment and decree dated 21.08.2015. Aggrieved by the same, two appeals were preferred before the First Appellate Court : one by the present appellants and one by the plaintiffs. Vide a common judgment and decree dated 18.08.2021 both the appeals were dismissed.

3. The plaintiffs preferred a regular second appeal being RSA-1394-2021 before this Court which was dismissed by a coordinate Bench of this Court on 25.11.2021. It has been informed by the learned counsel for the appellants that the plaintiffs whose regular second appeal was dismissed by this Court vide the judgment dated 25.11.2021, did not approach the Hon'ble Supreme Court and the said judgment has since attained finality. In view thereof, the present appeal which has arisen out of the same judgment and decree also stands dismissed in terms of the judgment dated 25.11.2021 passed in RSA-1394-2021. Pending applications, if any, also stand disposed off.

04.04.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO