



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

**RSA-581-2020 (O&M)**  
**Reserved on : 09.07.2025**  
**Pronounced on : 21.07.2025**

RAVINDER SAROOP .... Appellant

VERSUS

KISHAN SAROOP AND ANR .... Respondents

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Jangvir S. Hooda, Advocate for the appellant.

**ALKA SARIN, J. (ORAL)**

**CM-1686-C-2020**

1. This is an application for condonation of delay of 210 days in filing the main appeal.

2. For the reasons stated in the application, the same is allowed and the delay of 210 days in filing the main appeal is condoned.

**RSA-581-2020**

3. The present regular second appeal has been preferred by defendant No.2-appellant challenging the judgments and decrees dated 10.01.2017 passed by the learned Trial Court and dated 22.01.2019 passed by the learned First Appellate Court.

4. Briefly stating the facts, as relevant to the present *lis*, are that the plaintiff-respondent No.1 herein along with defendant No.2-appellant herein purchased a house bearing property No.1442-T from its previous owner, namely, Smt. Rama Devi widow of Shri Surender Kumar son of Shri Lachhman Saroop, resident of Mohalla Kanugo, Palwal, Tehsil and District Palwal vide registered sale deed dated 01.05.1996. Actual physical

possession of the suit property was handed over to both the vendees at the time of the said sale by Smt. Rama Devi and since then the property has been owned by the plaintiff-respondent No.1 and defendant No.2-appellant herein. It was averred in the plaint that defendant No.2-appellant herein being an employee of defendant No.1-respondent No.2 herein (Municipal Council, Palwal) in collusion with its officials-officers got the plaintiff-respondent No.1's name deleted from the suit property illegally, though plaintiff-respondent No.1 is still in possession of the suit property and has been residing there all along with his family members. It was further the case set up that the plaintiff-respondent No.1 wanted to reconstruct and renovate the suit property for which he required a loan. He required the house tax and property record for which he requested defendant No.1-respondent No.2 herein but the officials kept putting off his requests on one pretext or the other. Ultimately, he sought information under the Right to Information Act, 2005 and through the said information he came to know that the suit property had been transferred in the name of defendant No.2-appellant since 09.08.1999. Hence, the present suit.

5. The suit was contested by defendant No.2-appellant who filed his written statement raising various preliminary objections qua maintainability, *locus standi*, cause of action and the suit being false, frivolous and vexatious. It was further the stand taken that the plaintiff-respondent No.1 had already sold his share in the Common Haveli along with the flour mill and that the matter already stood adjudicated *vide* judgment and decree dated 07.08.2004 as per which the son of defendant No.2-appellant was owner in possession of the flour mill as well as the premises where it was installed. It was further the stand taken that the

Haveli in question was still undivided property and without getting the same partitioned, nobody could claim his exclusive share on any part of the Haveli. It was further stated in the written statement that the suit was barred by principles of *res judicata* as the matter had finally been decided in a previous litigation being RBT-63 of 1998 vide judgment and decree dated 07.08.2004. On merits, it was denied that the suit property was purchased by plaintiff-respondent No.1 and defendant No.2-appellant from Rama Devi. It was denied that actual physical possession was given to both plaintiff-respondent No.1 and defendant No.2-appellant by Rama Devi. It was further stated that the Municipal Council, Palwal has maintained the record as per law and that plaintiff-respondent No.1 had no right in the suit property. The suit was not contested by defendant No.1-respondent No.2 (Municipal Council, Palwal).

6. No rejoinder was filed. On the basis of the pleadings of the parties, the following issues were framed :

1. Whether the plaintiff is entitled to the decree for mandatory injunction as prayed for on the grounds mentioned in the plaint ? OPP
2. Whether the present suit is not maintainable in the present form ? OPD
3. Whether plaintiff has no *locus standi* and cause of action to file the present suit ? OPD
4. Whether the plaintiff is estopped by his own act and conduct from filing the present suit ? OPD
- 4-A. Whether the suit of the plaintiff is barred by the principle of *res judicata* ? OPD

5. Whether the present suit is false, frivolous and vexatious and a special costs of Section 35-A ? OPD

6. Relief.

7. Vide the impugned judgment and decree dated 10.01.2017 the Trial Court decreed the suit holding plaintiff-respondent No.1 and defendant No.2-appellant were co-owners in the property bearing No.1442-T and that the name of plaintiff-respondent No.2 was deleted after survey of 2001-02 and that the name of plaintiff-respondent No.1 be incorporated and necessary rectification of his name be made. Aggrieved by the same, an appeal was preferred by defendant No.2-appellant herein which appeal was dismissed by the First Appellate Court vide impugned judgment and decree dated 22.01.2019. Hence, the present regular second appeal by defendant No.2-appellant.

8. Learned counsel for defendant No.2-appellant has contended that both the Courts have erred in decreeing the suit. It is urged that the suit property was transferred in the name of defendant No.2-appellant. It was further contended that in an earlier suit the matter stood settled and the share was given to the son of defendant No.2-appellant and that the plaintiff-respondent No.1 had failed to prove his ownership over the suit property.

9. Heard.

10. In the present case the sale deed dated 01.05.1996 (Ex.P-2) was produced on the record by the plaintiff-respondent No.1 which revealed that Krishan Saroop (plaintiff-respondent No.1 herein) and Ravinder Saroop (defendant No.2-appellant herein) had jointly purchased property bearing No.1442-T in equal shares from the previous owner,

namely, Smt. Rama Devi for a valuable consideration. Ex.P-3 was the information received under the Right to Information Act, 2005 supplied by the Municipal Council, Palwal (defendant No.1-respondent No.2 herein) which also stated that the property was initially owned by Rama Devi but later this property was transferred in the name of Ravinder Saroop and Krishan Saroop sons of Niranjan Saroop. It was further stated that as per the survey conducted by the Municipal Council, property No.1442-T was entered exclusively in the name of Ravinder Saroop only and the same entry was continued. The learned counsel for defendant No.2-appellant had not been able to deny that there is a registered sale deed vide which the property was purchased, even as per the record maintained by the Municipal Council. The argument of the learned counsel for defendant No.2-appellant that the dispute earlier stood settled between the parties vide judgment and decree dated 07.08.2004 and hence the present suit itself was barred by the principles of *res judicata* deserves to be rejected. As per the information received from the Municipal Council (defendant No.1-respondent No.2 herein), the entries were changed in 2002 at the time of conducting the survey. The judgment and decree was passed in 2004. Therefore, it possibly cannot be held that such change was effected after the judgment and decree and was on account of the judgment and decree passed in 2004. Further still, there is no basis which has been made out by defendant No.2-appellant herein to show as to how the change in the entries were made by the Municipal Council except for the fact that during the survey 2002, the entry was changed. In the absence of any cogent evidence as to how defendant No.2-appellant became the exclusive owner of the property, which was jointly purchased by defendant No.2-appellant

and plaintiff-respondent No.1, no fault can be found with the impugned judgments and decrees passed by both the Court.

11. No question of law, much less substantial question of law arises in the present case, which requires determination by this Court. The appeal, which is wholly devoid of any merit, is accordingly dismissed. Pending applications, if any, also stand disposed off.

**21.07.2025**  
*Aman Jain*

**(ALKA SARIN)**  
**JUDGE**

*NOTE: Whether speaking/non-speaking: Speaking*  
*Whether reportable: Yes/No*