

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

MA.1529/2018 IN/AND C.A. NO(S). 3503/2008

KHAJAN SINGH (D) THR. LRS.

APPLICANT(S)/
APPELLANT(S)

VERSUS

BANKEY (DEAD) BY LRS. & ORS.

RESPONDENT(S)

J U D G M E N T

KURIAN, J.

1. Application for restoration is allowed and the appeal is restored to its original number.
2. Civil Appeal is taken on Board.
3. The High Court has rendered a clear finding that the suit filed by the appellant was barred by res judicata. The wife of the appellant had already filed a suit claiming inheritance and lost. Thereafter, the appellant filed the suit claiming adverse possession.
4. Despite the strenuous arguments advanced by the learned counsel for the appellants, we do not find any ground at all to interfere with the findings, which was also the finding rendered by the First Appellate Court. The appeal is hence dismissed.
5. Though this was a case where exemplary costs should have been awarded, having protracted a frivolous litigation for around four decades, in view of the persuasive arguments made by the learned counsel for appellants, we reluctantly refrain from doing so.

6. Pending applications, if any, shall stand disposed of.

7. There shall be no orders as to costs.

.....J.
[KURIAN JOSEPH]

.....J.
[SANJAY KISHAN KAUL]

NEW DELHI;
JULY 25, 2018.