

PETITIONER:
MUKHTIAR AHMED

Vs.

RESPONDENT:
SMT.HUSAN BANO & ORS.

DATE OF JUDGMENT: 14/02/1996

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
G.B. PATTANAIAK (J)
G.B. PATTANAIAK (J)

CITATION:
1996 AIR 1328 1996 SCC (7) 470
JT 1996 (2) 569 1996 SCALE (2)423

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

The appellant had laid the suit for declaration of 2/3rd share of the house in his favour, on the premise that he was a co-owner. It is not in dispute that on a previous occasion in a suit filed by the co-sharer, a finding was recorded that he was not entitled for 2/3rd share but to 1/5th share. the said decree became final. In view of the matter, it operates as res indicata as against the co-owners. He cannot claim any share in the suit for 2/3rd share. The High Court, therefore, was right in dismissing the suit. We do not think there is any legality in the finding recorded by the High Court.

The appeal is accordingly dismissed. No costs.