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%12.02.2008

Present: Mr.P.S.Vats for the appellant

+CM No.2121/2008

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For the reasons stated in the application order dated 24.1.2008 is recalled. The regular second appeal is restored for hearing.

RSA No.18/2008

1. No substantial question of law arises for consideration in the instant appeal.
2. The appellant, as plaintiff, had filed a suit for cancellation of a sale deed dated 20.2.1996 inter alia alleging that the appellant had not sold land comprised in Khasra Nos.64/28 and 29 and that in the sale deed said fact was wrongly recorded.
3. The courts below have held that the suit is barred by limitation on account of the fact that when pursuant to the sale deed the purchaser applied for mutation, appellant filed objections before the revenue authorities on 31.5.1996. Objection was that the land in question had not been sold by the appellant to the person who was seeking mutation.

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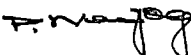
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4. Suit in question was filed on 12.7.1999.

5. It is not in dispute that limitation to challenge a sale deed is 3 years reckoned from the date of knowledge. In the instant case knowledge was available with the appellant on 31.5.1996.

6. The appeal is dismissed.

February 12, 2008
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PRADEEP NANDRAJOG, J.