

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

RSA No.3162 of 2008 (O&M)

Date of decision : 01.12.2015

The Timber Association, Pathankot through Sh. Jaidev, General Secretary

...Appellant

Versus

Kuldev Singh @ Kuldip Singh (deceased through LRs) and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Talwinder Singh, Advocate for
Mr. Hemant Saini, Advocate for the appellant.

Mr. Sudeep Mahajan, Advocate &
Mr. Amarjeet Markan, Advocate for respondent No.1.

AMIT RAWAL, J. (Oral)

The appellant-defendant is in Regular Second Appeal against the findings rendered by the lower Appellate Court on issue No.2-B in favour of plaintiff vide which the suit of the respondent-plaintiff being barred by limitation, has been dismissed by the trial Court.

Mr. Talwinder Singh, Advocate for Mr. Hemant Saini, learned counsel appearing on behalf of appellant submits, that gift deed dated 08.03.1958 was challenged by the respondent-plaintiff in the year 1963, whereas he had attained the majority much earlier. At the time, when suit

was filed, he was 23 years of old and, therefore, lower Appellate Court has committed illegality and perversity, much less, substantial question of law arises for determination.

Mr. Amarjit Markan, Advocate and Mr. Sudeep Mahajan, learned counsels appearing on behalf of respondent No.1 submits, that appeal at the instance of the appellant is not maintainable for the reasons that the findings rendered by the trial Court vis-a-vis gift deed dated 08.03.1958 have been held not to be binding upon the respondent-plaintiff. He further submits that trial Court had in a very vague and erroneous manner dismissed the suit by rendered findings on issue No.2-B against the respondent-plaintiff inasmuch as that date of birth of the respondent-plaintiff is 20.11.1945 and the suit was filed in December, 1963 and at that time, he was 18 years 23 days old and the suit, from the date of attaining of the majority can be filed within three years.

I have heard learned counsel for the parties and appraised the paper book.

Assuming that appellant had attained majority on 13.06.1962. Even then the suit was filed on 13.12.1963 therefore was within a period of three years, thus, trial Court has committed illegality and perversity.

It is a matter of record that birth certificate on record would show that respondent-plaintiff was born on 20.11.1945. Thus from any angle, the suit instituted in 1963 was within a period of three years on attaining the majority. Since appellant-defendant has not assailed the findings with regard to other issues vis-a-vis the gift deed held to be not binding upon respondent-plaintiff, the aforementioned findings have not

been challenged and therefore same are upheld.

Keeping in view the aforementioned fact, I do not intend to differ with the findings rendered by the lower Appellate Court which is based upon appreciation of oral and documentary evidence, much less, no substantial question of law arises for determination by this Court.

Accordingly, appeal is dismissed.

01.12.2015

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**(AMIT RAWAL)
JUDGE**