

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

R.S.A.No.5007 of 2012 (O&M)

Date of Decision: February 20, 2015

Ishwar Singh

...Appellant

Versus

Maman Singh & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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

Present: Mr.Ajay Ghangas, Advocate,
for the appellant.

AMIT RAWAL, J. (Oral)

The present Regular Second Appeal is at the instance of the appellant-plaintiff against the judgments and decrees of both the Courts below, whereby the suit for declaration, challenging the sale deed dated 30.10.1969 (Ex.P3) and as well as possession of the land qua one kanal, has been dismissed by the trial Court and the appeal filed against the judgment and decree of the trial Court has also been dismissed.

Mr.Ajay Ghangas, learned counsel appearing for the appellant-plaintiff, in support of his grounds of appeal, *inter-alia*, submits that both the Courts below have committed an illegality and perversity by dismissing the suit by holding that it was barred by law of limitation. He further submits that the mutation in respect of the property in dispute was effected

in the name of the vendee in the year 2005 and, therefore, the cause of action accrued to the plaintiffs to file the suit, which accordingly filed in the year 2007. He also submits that though Smt.Dhanpati Devi could sell away her share, but the sale of the share of the plaintiffs, who were minor at that time, could not have been sold by Dhanpati Devi, who is none else but their mother.

I am afraid, the aforementioned argument of the learned counsel for the appellant-plaintiff is devoid of merit for the reason that the appellant had attained majority long time back and the limitation for challenging the sale deed at the behest of the minor is three years from the date of attaining the majority. No explanation has come forward in not filing the suit within the aforementioned period.

It is a matter of record that the plaintiffs have sought the possession and, therefore, it cannot be presumed that they did not know about the mutation which was effected in the year 2005. The fact remains that any registered document is required to be challenged within a period of three years. In the instant case, the period of three years would have begun from the date when the appellant-plaintiff attained the majority. Both the Courts below have rendered a finding of fact and law, based on oral and documentary evidence. No substantial question of law arises for adjudication of the present appeal.

Accordingly, the appeal is dismissed.

February 20, 2015
ramesh

(AMIT RAWAL)
JUDGE