

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

RSA-1099-2013 (O&M)
Date of decision-12.10.2015.

GURNAM KAUR AND ORS.

...Petitioners

VS.

BALJEET SINGH AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Ms. Sonia G. Singh, Advocate
for the appellants.

RAJ MOHAN SINGH, J. (Oral)

Plaintiff is in second appeal in a suit for declaration and permanent injunction. Plaintiffs along with proforma defendants No.16 to 20 are daughters and sons of Gurtej Singh and Bachan Kaur. In the suit, they have challenged civil Court decree dated 28.10.1981 based on exchange of land of 7 kanals 18 marlas in lieu of 3 kanals 18 marlas which was situated near to the village population. In exchange, they have been given land at a distant place. Bachan Kaur died on 17.12.1994. Plaintiffs alleged fraud in respect of transaction in question and further claimed that the decree is unregistered. Both the Courts have non-suited the plaintiffs on the ground that particulars of fraud have not been pleaded and proved on record. The decree is not required to be registered as the same has been passed on oral exchange took place between the parties on earlier occasion. In respect of decree, mutation No.5537 dated 27.12.1981 was sanctioned and the suit came to be filed only on 10.01.2006 which was held to be patently barred by limitation. It could not be shown as to how decrees

passed by the Courts below are the result of misreading of evidence or having suffered with any perversity.

No law point for consideration is involved in the case. The same is accordingly dismissed.

October 12, 2015

SwarnjitS

**(RAJ MOHAN SINGH)
JUDGE**