

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No. 2629 of 2013 (O/M)
Date of decision : 3.11.2015

Santro Devi alias Santosh

..... Appellant

Versus

Raj Kaur and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Jagjeet Benniwal, Advocate, for the appellant.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
- .- -.-

KULDIP SINGH J. (ORAL)

Impugned in the present regular second appeal is the judgment and decree dated 19.2.2013, passed by the learned Additional District Judge(I), Bhiwani, affirming the judgment and decree dated 5.3.2011, passed by the learned Civil Judge (Junior Division), Charkhi Dadri, vide which the suit of the plaintiff for declaration, was decreed.

Plaintiff had challenged the judgment and decree dated 6.4.1990, suffered by her father Jage Ram in the Civil Suit No. 212 of 28.3.1990, titled as Mauji Ram and others Versus Jage Ram and

RSA No. 2629 of 2013 (O/M)

-2-

others. Plaintiff claims that Jage Ram died in June, 2003. Plaintiff is the only legal heir of Jage Ram. The plaintiff claims that she had the right by birth.

I have heard the learned counsel for the appellant and have also carefully gone through the file.

After going through the judgments and decrees of both the Courts below, I do not find any illegality or infirmity in the same. The amendment in the Hindu Succession Act was made in the year 2005. The plaintiff is a female and cannot claim that the suit property was ancestral qua her. The decree was suffered in the year 1990 by Jage Ram in favour of his brothers. During his life time, Jage Ram did not challenge the decree nor he claimed that he was not aware about the passing of the decree. Therefore, the limitation will start from the date of passing of the decree. The limitation once start will run continuously and the suit is patently time barred. Otherwise also, there is nothing on file to show that Jage Ram did not make the statement and not suffered the decree voluntarily.

The learned counsel for the appellant has pleaded that the decree required registration. Therefore, it is bad in the eyes of law.

However, since the decree was between the brothers, who were the family members, therefore, the decree did not require any registration. No substantial question of law arises in the present

RSA No. 2629 of 2013 (O/M)

appeal. Hence, the present regular second appeal is dismissed.

(KULDIP SINGH)
JUDGE

3.11.2015
sjks