

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

RSA No. 4374 of 2013 (O&M)

Date of decision : 9.12.2015

Smt. Sarvan and others

.. Appellants

versus

Mehar Chand and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. J.P. Sharma, Advocate, for the appellants.

Rajesh Bindal, J.

The defendants are before this Court against concurrent findings of fact recorded by both the learned courts below, whereby the suit filed by the respondents seeking declaration as owners of the property in dispute was decreed.

The claim in the suit was that the respondents/plaintiffs had purchased the suit property from late Kanshi Ram vide registered sale deed dated 14.6.1979. They had been able to prove the genuineness of the sale deed. It was on that basis that both the courts below opined that the respondents/plaintiffs are owners of the suit property. The claim of the respondents/plaintiffs was sought to be contested by the appellants on the plea that the suit was filed nearly 20 years after the registration of the sale deed, sought to be relied upon and further earlier the plaintiffs had filed a suit during the life time of Kanshi Ram, which was dismissed as withdrawn but without any liberty to file any fresh suit. There is no merit in both the contentions as for filing a suit for declaration as owner, there is no limitation. Sale deed is a document of title. Further earlier suit was filed during the life time of Kanshi Ram, which was dismissed as withdrawn, however, after his death the mutations were sanctioned in favour of his LRs. In the subsequent suit even mutation entries were also challenged. Hence, it cannot be said that the suit in question was barred by law.

The findings recorded by both the courts below are plain and simple findings of fact giving rise to no question of law much less a substantial question of law. The appeal is accordingly dismissed.

(Rajesh Bindal)
Judge

9.12.2015

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