

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No. 602 of 2013 (O/M)
Date of decision : 5.10.2015

Sido and another

..... Appellants

Versus

Islam and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. S.S. Dinarpur, Advocate, for the appellants.

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 ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present regular second appeal is the judgment and decree dated 26.9.2012, passed by the learned District Judge, Yamuna Nagar at Jagadhri, affirming the judgment and decree dated 19.12.2009, passed by the learned Civil Judge (Junior Division), Yamuna Nagar at Jagadhri, vide which the suit of the plaintiffs, was dismissed.

Briefly stated, the plaintiffs (appellants herein) had challenged the lease deed dated 3.10.1991 regarding 16 kanals of land, executed by their step mother Sharifan, in favour of defendants No. 1 to 3. They had also challenged the judgment and decree

RSA No. 602 of 2013 (O/M)

-2-

dated 9.4.1996, passed in Civil Suit No. 50, regarding the land measuring 15 kanals 19 marlas, as detailed in the head note of the plaint. They had also challenged the Will dated 11.7.2003, executed by defendant No. 4 in favour of defendants No. 1 to 3.

It comes out that the plaintiffs/appellants are the daughters of Habib, who had re-married Sharifan after the death of his first wife. Habib died way back in 1958. In the previous round of litigation, a gift deed regarding 4 acres of land by defendant No. 4, was challenged. The suit was decreed by the lower Court and in the appeal, the parties entered into a compromise, in which the present plaintiffs/appellants admitted the gift deed and it was agreed that Sharifan would be the exclusive owner in possession of 16 kanals of land and she will be at liberty to deal with the property, which had fallen to her share in any way she likes. It is this 16 kanals of land, which is in dispute in the said lease deed and civil court decree. The compromise in appeal was effected on 15.12.1989, but the present suit was filed in 2003.

Learned counsel for the plaintiffs/appellants contends that the decree regarding 16 kanals of land, passed in favour of Sharifan, was not the subject matter of the suit. Therefore, the said decree required registration.

I am of the view that the compromise in appeal, decree was passed. Moreover, if the said decree is to be

RSA No. 602 of 2013 (O/M)

challenged, the limitation period for the same is three years and the present plaintiffs/appellants, being party to the said decree, did not challenge the same within the prescribed period of limitation. Secondly, they made some admission in the said compromise and now cannot wriggle out from the same. Thus, no substantial question of law arises in the present appeal against the concurrent findings of facts recorded by two Courts below.

The present appeal is accordingly dismissed.

(KULDIP SINGH)
JUDGE

5.10.2015
sjks