

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

**RSA No.3988 of 2014 (O&M)
Date of Decision.29.10.2015**

Chatar Singh

.....Appellant

Versus

Malkiat

.....Respondents

Present: Mr. Sanjay Mittal, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

1. The plaintiff who assailed the decree obtained in the year 1994 as having been passed by exercise of fraud admitted at the trial that there was reference to the decree through a document in the year 2000 to which the plaintiff was party. The document was put to the plaintiff and he admitted to the execution of the document. The suit was filed four years after the said writing. The case was barred by limitation, for plaintiff could not have assailed a decree as incompetent on the ground of fraud. If the action for setting aside the same had been taken more than three years after the said date, dismissal of the suit by the Courts below would, therefore, require to be supported on the issue of limitation and I am not addressing other issues on validity of the decree, for the case ought to go on the ground of limitation.

2. The second appeal is dismissed.

**(K. KANNAN)
JUDGE**

October 29, 2015
Pankaj*