

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

**RSA No.6177 of 2014 (O&M)
Date of decision:26.11.2015**

Dushyant Kumar

... Appellant

Vs.

Surender Kumar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Ashwani Talwar, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

Appellant-plaintiff is in Regular Second Appeal against the concurrent findings of facts and law, whereby, the suit for possession and permanent injunction and setting aside of the sale deed dated 20.03.1965 executed by Uttam Chand and defendants No.3 to 5 in favour of defendants No.1 and 2, has been dismissed.

Mr. Ashwani Talwar, learned counsel appearing on behalf of the appellant-plaintiff submits that the property at the hands of Uttam Chand was co-parcenary and this fact came to the notice of the plaintiff in January, 2001. It is further argued that in the year 1965, he was minor as his birth is of the year 1962 and he attained majority in the year 1980. These facts have not been noticed or appreciated by the Courts below, thus, there is illegality and

perversity.

I have heard learned counsel for the appellant-plaintiff and appraised the impugned judgments and decrees of the Courts below.

Appellant-plaintiff attained the majority in the year 1980 but the suit had been filed on 05.02.2007 by acquiring the knowledge of the aforementioned sale deed in the month of January, 2001, which in my view, is beyond three years. Even from the contents of the sale deed, it is evident that the property had been sold for discharging legal necessity. Assuming for the sake of arguments, if the property was co-parcenary, even then plaintiff has no cause of action to impugn the sale deed, for the reasons mentioned, in the sale deed.

I do not intend to differ with the findings rendered by both the Courts below, based upon the appreciation of oral and documentary evidence, much less, no substantial question of law arises for adjudication of the present appeal.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

November 26, 2015
savita