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

**RSA-4470-2011 (O&M)  
Date of decision : 15.02.2016**

Shish Ram

...Appellant

Versus

Bala Devi and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Arun Yadav, Advocate  
for the appellant.

Mr. Sanjay Mittal, Advocate  
for respondent Nos.1 and 3 to 9.

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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?

**AMIT RAWAL, J. (ORAL)**

**CM No.12943-C of 2011**

Prayer in the application is for making the deficiency of the Courts fees good.

For the reasons stated in the application, the application is allowed as deficiency in Court fees has been made good subject to all exceptions.

CM stands disposed of.

**RSA-4470-2011**

The appellant-plaintiff is in regular second appeal against

the concurrent findings of the fact, whereby the suit for declaration and permanent injunction seeking clarification, much less, sale deed dated 11.09.1967, has been dismissed.

Mr. Arun Yadav, learned counsel appearing on behalf of the appellant-plaintiff submits that the appellant-plaintiff purchased the property having 13/22 share vide two sale deeds bearing Nos.1839 and 1840 on 11.09.1967. Since, there was a discrepancy in the sale deed, the suit filed for correction of the same, but due to inadvertence, particulars of one of the sale deeds was given and the suit was decreed. The present suit was filed in the year 2007 seeking the correction in the second sale deed and the same has been dismissed being barred by law of limitation, much less, having given up the right to seek correction in accordance with law, but there is no limitation for correction of title and thus, the suit ought not to have been dismissed by invoking the provisions of law of limitation and thus, the substantial questions of law arises for determination by this Court.

Mr. Sanjay Mittal, learned counsel appearing on behalf of for respondent Nos.1 and 3 to 9, submits that there is no illegality and perversity in the concurrent findings. As per Article 58 of the Indian Limitation Act, the declaratory relief can be sought within a period of three years from the receipt of the knowledge and this fact was in the knowledge in the year 1967, when the previous suit was filed and rightly so, the suit has been dismissed.

I have heard the learned counsel for the parties and

appraised the paper book.

I am in agreement with the submissions of Mr. Sanjay Mittal, much less, findings of the Courts below, rightly so, the suit has been dismissed being barred by law of limitation. The factum of discrepancy in the sale deeds was/is in the knowledge, as legal remedy was availed earlier, viz-a-viz one sale deed having omitted to seek the clarification regarding the other sale deed, the appellant-plaintiff has omitted much less to acquiesced the aforementioned fact, much less, lost the right to challenge the same. The provisions of Article 58 of the Indian Limitation Act, would apply in such case and not the proposition sought to be raised as there is no limitation viz-a-viz the claim of declaration qua title.

In view of what has been noticed above, there is no illegality and perversity in the concurrent findings rendered by both the Courts below, much less, no substantial question of law arises for determination of this Court.

With the aforesaid observations, the appeal is dismissed.

**15.02.2016**  
yogesh

**( AMIT RAWAL )**  
**JUDGE**