

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

**RSA-551-2011 (O&M)
Date of decision : 17.10.2016**

Kulwant Singh

... Appellant

Versus

Didar Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Veneet Sharma, Advocate
for the appellant.

Mr. Tarundeep Kumar, Advocate for
Mr. D.S. Pheruman, Advocate
for respondent Nos.4 to 8.

AMIT RAWAL, J. (ORAL)

The appellant-plaintiff is aggrieved of the dismissal of the suit seeking specific performance of the agreement to sell dated 15.03.1994 which has been held to be barred by law of limitation.

Mr. Veneet Sharma, learned counsel appearing on behalf of the appellant-plaintiff submits that the target date of the aforementioned agreement to sell was 24.12.1994 and it was extended twice one upto 28.08.1995 and other upto 15.07.1996, thus, the suit cannot be said to be barred by law of limitation, thus, urges this Court for setting aside the findings under challenge.

Per contra, Mr. Tarundeep Kumar, Advocate for Mr. D.S. Pheruman, learned counsel appearing on behalf of the respondent Nos.4 to 8 submits that even the aforementioned dates are to be accepted, on the face

of it, yet the suit aforementioned is time-barred, though the alleged extensions are not with circulated hand-writing as agreement to sell has been interpolated and the lines had been inserted in the space left in the original agreement to sell, thus, urges this Court for affirming the findings under challenge.

I have heard the learned counsel for the parties and appraised the paper book and of the view that accepting the last date of extension i.e. 15.07.1996, whereas the suit aforementioned was filed on 15.11.1999 i.e. beyond three years, thus, rightly so, the suit has been dismissed by both the Courts below being barred by law of limitation.

For the foregoing reasons, I do not intend to differ with the findings rendered by both the Courts below which are based upon the appreciation of oral and documentary evidence, much less, no substantial question of law arises for determination and accordingly, the appeal is dismissed.

17.10.2016

Yogesh Sharma

(AMIT RAWAL)
JUDGE

	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No