

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

RSA No.206 of 2014 (O&M)

Date of decision : 09.12.2016

Manphool Singh

...Appellant

Versus

Puran and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. Abhinav Sood, Advocate for
Mr. Vikram Singh, Advocate for the appellant.

Mr. Nipun Vashisht, Advocate for the respondents.

AMIT RAWAL, J. (Oral)

The appellant-plaintiff is aggrieved of the concurrent findings of fact, whereby suit seeking following claim has been dismissed by both the Courts below:-

“Claim:- Suit for declaration to the effect that the alleged statement of defendant No.4 dated 30.1.1985 and on the basis of which the judgment and decree passed on 30.1.1985 and on the basis of which the entries in the revenue in records in favour of the defendants No.1 to 3 is totally wrong, against law, illegal, without any rights and being null and void not binding upon the plaintiff and the proforma defendants as they are owner and share holder of the agricultural land measuring 89 kanals 3 marla described in para no.2 of the plaint and are entitled to get

corrected, entered and sanctioned their names in the revenue record. Be passed in favour of the plaintiff and proforma defendants and against the defendants No.1 to 4 alongwith costs.

(b) Suit for permanent injunction seeking to restrain the defendants no.1 to 3 from getting the plaintiff and the proforma defendants debarred from their joint possession over the land dispute and also from creating any charge over it and from alienating the same on the basis of wrong entries in the revenue records.

(c) Consequential relief of possession to the effect that in case at the time of filing the suit or during the pendency of the suit their possession over the suit property not provide in that eventuality decree for actual possession in favour of the plaintiff and proforma defendants and against the defendants No.1 to 3 be passed and the possession be got delivered to them.

(d) Suit for mandatory injunction to the effect that in case during the pendency of the suit the defendants no.1 to 3 succeed in alienating or creating any charge over the suit property in that eventuality the alienation made by the defendants No.1 to 3 declared null and void and not binding upon the plaintiff and proforma defendants.”

Mr. Abhinav Sood, learned counsel appearing on behalf of appellant-plaintiff submits that defendant had erroneously obtained the gift deed from Richpal Singh which was challenged by Richpal Singh in independent suit, and was decreed. In appeal filed by the effected parties, father Ram Kanwar did not protect the interest of the appellant-plaintiff being minors and suffered a compromise and the respective shares were determined, in essence, Ram Kanwar had relinquished the share which

could not have been done. The present suit has been filed with regard to his interest.

I have heard learned counsel for the appellant-plaintiff and appraised the paper book.

This Court confronted Mr. Abhinav Sood, Advocate regarding the date of birth of Manphool Singh and in reply apprised that appellant was born in the year 1976 thus attained the majority in the year 1994, whereas the present suit has been filed in the year 2003. Limitation, as per Article 60 (a) of the Limitation Act, is three years from the date of attaining the majority, thus, suit was hopelessly barred by law of limitation. Even the present appeal is also accompanied by application seeking condonation of delay of 341 days in filing the appeal. The appellant is in habit of filing the case at his own means and convenience.

No ground for interference is made out.

Accordingly, present appeal is dismissed on merits and as well as on condonation of delay.

09.12.2016

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No