

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112

CR No.4300 of 2015 (O&M)
Date of decision: 06.09.2017

Shanawar Sultana

..... Petitioner

Versus

Jaffar Ali Khan and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Sunny K. Singla, Advocate
for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff is in revision petition against the dismissal of the suit on the ground of limitation and maintainability. First appeal preferred by the plaintiff was also ordered to be dismissed.

In the present case, agreement to sell is dated 28.01.1984. The plaintiff filed the suit on 01.12.2006 after a period of 22 years. It was provided in the agreement to sell that sale deed would be executed within six months from sanctioning of the mutation in favour of Yousaf Zama Begum. The aforesaid mutation was never sanctioned. In an earlier litigation regarding inheritance, a compromise was arrived at on 24.03.1995.

In fact, defendant-Yousaf Zama Begum never became owner of the property.

Learned trial Court decided the suit only on the basis of issue of limitation and maintainability. The Court held that the suit is barred by

limitation. It was further held that the suit filed by the plaintiff is not maintainable as the defendant has not become owner of the property. The aforesaid finding has been affirmed by the First Appellate Court.

I have heard learned counsel for the petitioner and with his able assistance gone through the record of the case.

Learned counsel for the petitioner could not raise any meaningful argument to justify interference in the revision petition. Ex-facie the suit filed by the plaintiff was barred by time as it was instituted after a period of 22 years. Still further, once defendant was not the owner of the property and the property was never entered in the name of the defendant in the revenue record, the suit for specific performance was not maintainable.

In view thereof, there is no ground to interfere with the concurrent finding of fact arrived at by the Courts below.

Revision petition is dismissed.

06.09.2017
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No