

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.3592 of 2012 (O&M)

Date of decision: 28.08.2017

Bahadur Singh

..... Appellant

Versus

Raj Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. G.S. Punia, Sr. Advocate with
Ms. Harveen Kaur, Advocate
for the appellant.

Mr. Anupam Singla, Advocate
for the respondents.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-appellant is in Regular Second Appeal against the concurrent findings of fact arrived at by the Courts below.

Plaintiff had filed a suit for declaration that he is owner in joint possession of land. He has also challenged the decree suffered by his father-Sukhdev Singh dated 20.10.1994.

Sukhdev Singh had suffered a consent decree in favour of his other son namely Raj Singh and Gurdial Kaur-wife.

It is not in dispute that mother-Gurdial Kaur had transferred the land measuring 12 kanals by way of family settlement vide transfer deed dated 09.06.2005 in favour of the plaintiff.

The present suit was filed on 02.12.2008. The Courts have recorded concurrent findings of fact that the suit filed by the plaintiff was barred by limitation. Although, plaintiff has taken a plea that he had no

knowledge of decree, however, the Courts have noticed that plaintiff having been transferred the land by Gurdial Kaur vide transfer deed dated 15.06.2005, became aware of the decree because Gurdial Kaur was transferred this property pursuant to the aforesaid decree dated 20.10.1994.

In these circumstances, the Courts have found that the suit filed by the plaintiff is barred by limitation.

Learned Courts have further found that the property is not proved to be ancestral as the official who prepared the excerpt did not even know Urdu language. He got the revenue record translated from someone else. The excerpt is a summary of the revenue record. The excerpt is to be produced and proved by the Special Kanungo along with the entire revenue record. In the present case, the translation was carried out by some other official who has not been examined. Therefore, such excerpt does not advance the case of the appellant.

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

Appeal is dismissed.

28.08.2017

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No