

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

RSA 4834/2015

Date of decision:12.09.2017

Sneh Bansal

.....Appellant

v.

Puran Chand and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Kanwal Goyal,Advocate for the appellant/plaintiff

Jaswant Singh,J,(Oral).

Plaintiff was inducted as a tenant on the ground floor of SCF No.13, Sector 28-C, Chandigarh for doing the automobile business by the original landlord Dharam Pal-defendant no.2. Dharam Pal vide sale deed dated 7.8.1991(registered on 11.8.1981)sold the demised premises to his brother-Puran Chand/defendant no.1, a resident and citizen of United Kingdom. Puran Chand/defendant no.1 in the year 1994 filed an eviction petition on the ground of personal necessity claiming himself to be NRI Landlord. The eviction of the plaintiff from the demised premises was ordered by the learned Rent Controller, Chandigarh and duly affirmed upto Hon'ble the Supreme Court when the SLP was dismissed on 14.8.2006.

Plaintiff on 27.11.2006 filed the present suit seeking a declaration that the sale deed was a sham transaction and against the guidelines issued by the Reserve Bank of India and therefore, the eviction orders passed by the authorities were liable to be declared illegal. The suit was dismissed by the learned Civil Judge (Junior

Division)Chandigarh vide judgment/decreed dated 23.4.2013 and duly upheld vide judgment dated 25.3.2015 by the learned Additional District Judge, Chandigarh.

Counsel for the plaintiff/appellant has submitted that in view of the restrictions imposed by virtue of sub-section(1) of Section 31 to acquire immovable property in India by foreign citizens under The Foreign Exchange Regulation Act,1973(for short the 1973 Act), the suit is liable to be decreed being against the provisions of law.

After hearing the counsel for the appellant, no ground for interference is made out against the concurrent judgments passed by both the Courts below.

Both the Courts below have rightly held that for the alleged violation of sub-section(1) of Section 31, adequate clauses are provided under the 1973 Act whereby for violation of the said provision certain penalties are liable to be imposed. They do not, in any manner, affect the title of Puran Chand. Even otherwise, the suit filed on 27.11.2006 would be barred by limitation as it is settled position of law that even a void document is required to be challenged within limitation. In the present case, limitation started in the year 1994,when eviction petition was preferred against appellant, whereas present suit has been filed on 27.11.2006 i.e. after 12 years, whereas it was required to be filed within 3 years from date of knowledge.

In view of the above finding,no merit in the present appeal the same is hereby dismissed.

12.09.2017
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(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No