

In the High Court of Punjab and Haryana at Chandigarh

**CM-4351-C-2017 IN/AND
RSA NO. 1791 of 2017
Date of Decision: 19.4.2017**

Rajesh Kumar and others

.....Appellants

Versus

Dilbagh Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Namit Sharma, Advocate
for the appellants.

ANITA CHAUDHRY, J

Dilbag Singh, plaintiff approached the Court seeking possession of the suit property on the plea that he had purchased it vide sale deed dated 29.7.1981 from Phula Ram son of Chandu and had constructed it. Two years prior to the filing of the suit, he shifted his residence to Sector-12 in Panipat and the suit property was lying locked. On 20.10.2010, the plaintiff learnt that the defendants along with their father Mange Ram had trespassed into their property. The plaintiff asked them to vacate the premises and *Biradari* panchayat was also convened but the defendants flatly refused and threatened to alienate the property.

The defendants' plea was that their father Mange Ram had purchased the property and Mange Ram used to work as a farm labourer with the plaintiff and all the wages earned were deposited with the plaintiff so that he could purchase land and the entire consideration of the suit property had been paid by their father but the sale deed was in the custody

of the plaintiff and when defendant No. 5 demanded the sale deed, the plaintiff had handed over a piece of paper but had asked her not to show that paper to anyone and later on she learnt that it was a copy of the jamabandi and the plaintiff wanted to grab the property and was illegally purchased in his own name.

The lower Court found discrepancies in the statements of the witnesses of the defendants. Even defendant No. 2 took contradictory stand that the sale deed was in her name and had stated that she would produce the sale deed on the next date but failed to do so. It noted that one of the witness had tendered his evidence but had failed to appear for the cross-examination and the sale deed stood registered in the name of the plaintiff and he was entitled to its possession.

The Appellate Court affirmed the findings of the lower Court. It even observed that no evidence was led to show that Mange Ram was working as a labourer with the plaintiff or that he had deposited his savings with the plaintiff. It was noticed that in fact Mange Ram was one of the attesting witness to the sale deed and Mange Ram was present on the day the deed was registered and the Sub Registrar had verified all the facts and had certified to its correctness and the plea taken by the defendant was false.

The appeal has been filed after a delay of 135 days. The plea taken by the appellant was that the appellant did not know about the procedure or that there was a limitation to file the appeal.

There are absolutely no grounds to condone the delay. Ignorance of law is not a ground to condone the delay. Even otherwise there is no merit in the appeal.

The application seeking condonation of delay is dismissed.

Consequently, the appeal is also dismissed.

(ANITA CHAUDHRY)
JUDGE

April 19, 2017
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No