

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR-3107-2018 (O&M)

Date of decision: 16.05.2018

Bindu Arora, Advocate and another

..... Petitioners

Versus

Hari Chand and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Ms. Anju Arora, Advocate for the petitioners and
Ms. Bindu Arora, Advocate-petitioner No. 1,
is present in person.

Mr. VM Gupta, Advocate for the respondent-caveators.

RAMENDRA JAIN, J. (ORAL)

Through this revision, the petitioner-plaintiffs laid challenge to the order dated 20.04.2018 of the Ist Appellate Court, affirming the order dated 31.03.2018 of the trial Court, whereby application of the petitioner-plaintiffs under Order 39 Rule 1 and 2 CPC was dismissed.

In nutshell, father of the petitioner-plaintiffs, along with his three brothers purchased a residential house bearing House Tax Unit No. 708/8, situated at Ganga Bag, Hansi, having 1/4th share each, vide registered sale deed No. 883 dated 16.10.1964. Thereafter, father of plaintiff-petitioners Nand Lal, sold out his 1/4th share to his brother Atam Parkash, vide registered sale deed No. 221 dated 02.05.1969 and thereafter, remained alive for around 40 years, but did not challenge the same during his life time. Now, his children have laid challenge to the aforesaid sale deed and subsequent decree on the basis thereof, suffered by the vendee in favour of

his wife and sons in present suit instituted in the year 2018.

Petitioner-plaintiff No. 1, who is an Advocate by profession is present in Court today. She disclosed that she is aged around 51 years, having taken birth in December, 1967. She became major in the year 1985. Therefore, she could have file the instant suit challenging the aforesaid registered sale deed No. 221 dated 02.05.1969, immediately, within limitation period of three years, on her becoming major i.e. up to the year 1988. Therefore, *prima facie* it is evident that the instant suit is hopelessly time barred.

I have gone through the orders passed by both the Courts below and find no illegality or perversity in the same.

Dismissed.

May 16, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No