

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

**RSA No.2185 of 1990(O&M)
Date of Order: 14.02.2018**

KHIALI RAM

..Appellant

Versus

SMT. PARMESHWARI AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rakesh Nagpal, Advocate,
for the appellant.

Mr. H.S.Hooda, Sr. Advocate, with
Mr. Naveen Kashyap, 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 filed a suit for possession with respect to 1/4th share in the suit land. Plaintiff also challenged the judgment and decree passed by the Civil Court on 11.09.1973 in civil suit titled as “Smt. Parmeshwari v. Dhai”. Plaintiff claims to be son of late Smt. Dhai.

Both the Courts on appreciation of the evidence available on the file, dismissed the suit. Both the courts have noticed that the plaintiff has failed to lead any evidence to prove the fraud as alleged by him. Both the courts have also found that the suit filed by the plaintiff on 14.12.1984 is barred by time as the judgment and decree dated 11.09.1973 is being challenged after a period of more than 11 years.

I have heard learned counsel for the parties at length and with

their able assistance gone through the judgments passed by the courts below and the record.

Learned counsel for the appellant has submitted that the plaintiff is a son of Late Smt. Dhai, hence he is entitled to at least 1/4th share in the suit land. He submits that the property was ancestral in the hands of late Smt. Dhai Bai, hence she could suffer the decree.

Plaintiff failed to produce sufficient evidence to prove that the property was ancestral in the hands of Smt. Dhai. She has suffered decree in favour of her grand daughter. Further the suit filed by the plaintiff was time barred.

In view thereof, there is no scope for interference with the concurrent findings of fact arrived at by the courts below.

The regular second appeal is dismissed.

February 14, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : YES/NO
Whether reportable : YES/NO