

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

RSA No.2366 of 2013 (O&M)
Date of Decision : 20.09.2018

Sunita and others

..... Appellants

Versus

Bimla Devi and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. D.S.Kahlon, Advocate
for the appellants.

Mr. Jagjeet Singh, Advocate for
Mr. R.S.Manhas, Advocate
for the respondent.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the judgment of the lower appellate Court reversing that of the trial Court and thereby decreeing a suit filed by the respondents.

The admitted position was that the original owner of the property was Charan Singh. He admittedly had married twice and he had left behind five legal representatives. However, inadvertently his property was mutated only in four shares instead of five shares and Neelam Devi-respondent No.3 was omitted. In view of that omission one of his sons Nek Ram was shown as owner of 25% of the property (instead of 20%). He sold his share to the present appellants. The appellants did

not dispute the entitlement of the other sisters but disputed the entitlement of Neelam Devi stating that she had been disinherited by Charan Singh. The trial Court dismissed the suit holding that it was filed way beyond limitation. In appeal it has been rightly held that limitation could not be taken to defeat the right in a suit based on title. The appellate Court further held that the appellants had not been able to prove that Charan Singh had ever disinherited Neelam Devi and consequently decreed the suit. Even before me learned counsel for the appellants has not been able to point out any evidence which may prove that Neelam Devi was ever disinherited by Charan Singh.

No fault can be found with the judgment of the Court below.

Appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

September 20, 2018
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No