

RSA-1685-2017 (O&M)

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

**RSA-1685-2017 (O&M)
Date of decision : 10.12.2018**

Shinder Pal Singh

... Appellant

Versus

Amarjit Kaur and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Raman Goklaney, Advocate
for the appellant.

AMIT RAWAL, J.

The appellant-plaintiff has not been successful before the Courts below in seeking rectification in the sale deed dated 03.12.1984, in a suit filed on 13.08.2011.

Learned counsel for the appellant-plaintiff submitted that vide sale deed, aforementioned, the plaintiff had purchased the certain khasra numbers, but due to error in the jamabandi, there was a doubling in the khasra numbers, which sought to be corrected and in this regard, a specific pleading of having acquired the knowledge only few days before filing of the suit, had been taken, which has gone un-rebutted, therefore, the suit could have been decided under Article 113 of the Limitation Act.

I am afraid the aforementioned argument is not sustainable as mutation in respect of the sale deed was effected immediately after the sale deed as no explanation has come forth as to how and under what circumstances, the plaintiff for the last thirty years had not been in

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possession or the knowledge of mistake in the sale deed. The provisions of Article 113 of the Limitation Act cannot be stretched by using the guarded language.

In this view of the matter, I do not find any illegality and perversity in the judgments and decrees of the Courts below, much less, no substantial question of law arises for determination. No ground for interference is made out.

Resultantly, the present regular second appeal is dismissed.

10.12.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**