

In the High Court of Punjab and Haryana at Chandigarh

RSA No. 2225 of 2018(O&M)

Date of Decision: 18.9.2018

Chirangjit Garg and others

---Appellants

versus

Bakshi Ram Kochar and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Lokesh Vohra, Advocate
for the appellants**

Rekha Mittal, J.

The present appeal directs challenge against concurrent findings recorded by the courts whereby suit for declaration with consequential relief of mandatory and permanent injunction to challenge Trust Deed dated 29.11.1994 bearing No. 967 and amended Trust Deed No. 1621 dated 16.9.2006, has been dismissed.

The Court in Appeal, in para 16 of the judgment, has held, reads thus:-

“I may also state that the trust deed Ex. P3 is stated to have been executed on 7.10.1994 and is further stated to have been got registered on 29.11.1994. At the same time, the evidence on record shows and establishes that the plaintiff No. 1 had knowledge of creation of the trust deed Ex. P3 long back in the year 1996. In fact, while appearing as PW1, the plaintiff No. 1

has admitted that he had written a letter Ex. D1, while examining Bakshi Ram Kochar as PW2, he has put letter dated 2.7.1996 written by him from Australia. He has also admitted about writing of letter Ex. P12 dated 19.9.2001 to the Secretary Municipal Council, Shahbad. He further admitted that the said letter was written by the defendant No. 1 and he had not raised any objection in respect thereof qua forming of a trust as well as its trustees; that when he came to know about formation of trust through letter Ex. P15, he had not taken any legal action as he was at a far off place; that he had talked to Swami Advaitanand Giri Ji at that time in this regard; and that Swami Ji had sent a written reply to him that on pouring water on a stone, its drops do not enter inside the stone. His such deposition shows that he had knowledge of creation of trust a long time back in the year 1996 and/or in the year 1997. Receipts Ex. D3 to Ex. D10 also establish his knowledge about creation of the trust. Once it is so, limitation period to challenge the trust deed Ex. P3 started way back and at least in the year 1997. At the same time, the suit in question was filed in the year 2007. So far as limitation to file a suit for challenging the said trust deed is concerned, in the facts/circumstances of the present case, it was to be challenged within three years from the date of acquiring knowledge about it. May be that the plaintiffs have now alleged that cause of action in their favour is continuing. At the same time, once the period of limitation begins to run, it never stops. The alleged

continuing cause of action will never stop limitation for the plaintiffs to challenge trust deed Ex. P3 at any time. For what has been stated above, it has to be held that challenge to the trust deed Ex. P3 is barred by limitation.”

Counsel for the appellants is not in a position to challenge consistent findings of the courts that suit filed by the appellants-plaintiffs to challenge the Trust deeds dated 29.11.1994 and 16.9.2006 is barred by limitation. This apart, the appellants have failed to substantiate their plea that the respondents-defendants are indulging in any such activities which are contrary to the interest of Satya Sanatan Vedic Dharam Sabha registered on 1.5.1986 but later registered as a Trust in the year 1994. That being so, I do not find an error much less illegality in the judgments passed by the courts warranting intervention.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

18.9.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No