

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

**RSA No.371 of 2017 (O&M)
Date of Decision.10.12.2018**

Rao RamAppellant

Vs

Parbhu Ram and others ...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Munish Jolly, Advocate
for the appellant.

-:-

AMIT RAWAL J. (ORAL)

C.M. No.817-C of 2017

For the reasons stated in the application, delay of 486 days in re-filing of the appeal is condoned.

Application is allowed.

RSA No.371 of 2017

The appellant-plaintiff has not been successful in claiming declaration with regard to land measuring 3 biswas comprising in Khewat/Khatoni No.21/28, Khasra No.24//13/2(0-3) situated in the revenue estate of village Kuranwala, Tehsil Dera Bassi, District Patiala on the premise that he had entered into exchange in the year 1994 and got the abadi land. The respondent defendant in partition proceedings sought return of the land. Owing to the aforementioned fact, cause of action accrued to file the suit in 2003.

The plaintiff examined himself, one Ranjit Ram, Numberdar as PW2 and Lajja Ram as PW3 and brought on record exchange deed dated 22.06.1994, mutation No.886, Jamabandi for the

year 2000-2001 whereas the defendant examined himself and closed evidence.

Mr. Munish Jolly, learned counsel appearing on behalf of the appellant submitted that defendant had not been equitable towards plaintiff as despite having honoured the exchange, sought return of land in partition proceedings. There is no limitation to claim the title when it was brought under cloud by virtue of the partition proceedings and in such circumstances, the suit was filed on 5.6.2003.

I have heard learned counsel for the appellant and appraised the paper book. There would have been force had the partition proceedings been placed on record to establish and connect the suit property vis-à-vis exchange dated 22.06.1994. No effort was made before the lower Appellate Court to bring on record the additional evidence. It is too late in a day to put the clock back to accord the declaration as noticed above.

In view of the aforementioned observations, I do not find any illegality and perversity in the concurrent finding of fact and law rendered by both the Courts below, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. Resultantly, the second appeal is dismissed.

(AMIT RAWAL)
JUDGE

December 10, 2018

Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No