

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

RSA-4277-2017 (O&M)
Date of Decision: 27.08.2018

Subhash Chander

-- Appellant

Versus

Board of School Education and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr.Sandeep Punchhi, Advocate
for the appellant.

TEJINDER SINGH DHINDSA.J.

Plaintiff, Subhash Chander filed a suit for declaration to the effect that his real date of birth is 01.05.1978 and has been wrongly mentioned in the Matriculation Examination Certificate as 01.05.1981. Suit of the plaintiff was dismissed by the trial Court on 12.05.2016. A civil appeal having been preferred also met the same fate vide judgment dated 23.02.2017 passed by the learned Additional District Judge, Sirsa.

Plaintiff having remained unsuccessful in both the Courts below has filed the instant second appeal.

Learned counsel representing the plaintiff/appellant has argued that the application filed for leading additional evidence in the shape of birth certificate from the office of Registrar, Births and Deaths, Rania, issued on 04.08.2016 had been allowed by the lower Appellate Court and in spite of such clinching documentary evidence, the decree of declaration has been wrongly denied to the appellant. Further argued that the appellant is unemployed and would suffer serious prejudice and irreparable loss if

the correction in the date of birth is not carried out.

Having heard counsel for the appellant, this Court is of the considered view that there is no merit in the instant appeal and the same deserves to be dismissed.

The records of the case would show that it was the pleaded case of the plaintiff/appellant himself that he was born on 01.05.1978 and such date was entered by the Chowkidar of the village. He had passed his Matriculation Examination in the year 2004. At the time of the admission in the school, his parents had correctly mentioned his date of birth as 01.05.1978 but the defendant i.e. School as also the CBSE authorities had made wrong entries and as a result of which the date of birth has been entered as 01.05.1981 in the Matriculation Certificate which was issued in 2004. In other words, the plaintiff/appellant all alone was aware of his date of birth. Even if his version is taken to be correct, the mistake had come to his notice, when the Matriculation Examination Certificate has been issued in the year 2004. Concededly, the suit had been instituted only on 05.02.2015.

The Courts below have rightfully taken a concurrent view that the suit itself was time barred.

No interference in the matter is called for.

The appeal is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

27.08.2018
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- i) Whether speaking/reasoned? Yes/No
- ii) Whether reportable? Yes/No