

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

RSA No.841 of 2017

Date of Decision:02.02.2018

Bhupinder Singh

...Appellant

Versus

Shila Devi and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.R.S.Chauhan, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the learned courts below.

Plaintiff has filed a suit under Section 22 of the Hindu Succession Act, 1956, claiming preferential right of ownership with respect to a sale-deed dated 21.3.2007.

Both the courts have noticed that the plaintiff himself had sold his share and the plaintiff alongwith defendant No.4 had also sold their share in the land. The courts below have further noticed that the sale-deed, which is sought to be pre-empted, was executed and registered on 21.3.2007, whereas the suit was filed on 5.5.2008. The limitation for filing such suit is only one year. The courts have held that the suit is barred by limitation.

Learned counsel for the appellant has submitted that the property is joint and therefore, the exclusive possession could not be given to the purchasers. This issued has been dealt by the first appellate court.

The court has noticed that as per the sale-deed, possession of the specific

portion of the property was given to the purchaser. This being the position, the argument of the learned counsel for the appellant does not have any substance.

Once it is proved on the file that the plaintiff himself has sold many plots out of joint property, in the considered opinion of this Court, there is no infirmity in the concurrent findings of fact arrived at by the courts below.

Dismissed.

02.02.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No