

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

RSA No.1227 of 2015 (O&M)
Date of Decision.24.01.2019

Hariom

...Appellant

Vs

Pirag Raj and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Ajay Jain, Advocate
for the appellant.

-.-

AMIT RAWAL J. (ORAL)

It is a classic case whereby the appellant-plaintiff eschewed from challenging the gift deed of 1962 executed by Ram Pyari in favour of Ghisa Ram, predecessor-in-interest of defendants by claiming declaration and injunction alleging cause of action as possession remained with him. However, during the course of trial, no such evidence had been placed on record like khasra girdawaris to establish the same. Even ingredients of fraud cannot be permitted to raise in the year 2008. It is a case where suit was *ex facie* barred by law of limitation and could not have been brought under Article 59 of the Limitation Act. No doubt the Will and other documents like gift deed do not carry presumption under Section 90 of the Indian Evidence Act. Be that as it may, as noticed above, suit could not have been instituted in 2008.

There is another point to add that appeal is accompanied by application seeking condonation of delay of 107 days. The explanation given is totally bereft of the reasonable cause cannot be said to be unintentional or bona fide.

I do not find any illegality and perversity in the

concurrent finding of fact rendered by 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 appeal is dismissed both on ground of delay as well as on merit.

(AMIT RAWAL)
JUDGE

January 24, 2019

Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No