

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

**RSA No.5419 of 2016 (O&M)
Date of decision:16.05.2019**

Ajaib Singh and another

... Appellants

Vs.

Jagir Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. R.K.Handa, Advocate
for the appellant-plaintiffs.

AMIT RAWAL J. (Oral)

C.M.No.14082-C of 2016

For the reasons stated in the application which is duly supported by an affidavit, delay of 02 days in filing the appeal is condoned.

C.M. stands allowed.

RSA No.5419 of 2016 (O&M)

The appellant-plaintiffs have not been successful in claiming the declaration and possession by setting aside the sale deed dated 25.05.1966 allegedly executed by their mother without taking permission from the competent authority being minors.

It was alleged that the plaintiffs acquired the knowledge a few months back before filing of the suit in 2012 and they had attained the majority in 1970.

The defendants opposed the suit and denied that permission was never taken. It was the sale deed by Mann Kaur to their predecessors-in-interest, now they have become the owners.

The plaintiffs did not lead any specific evidence resulting into dismissal of the suit. The appeal taken before the Lower Appellate Court was also dismissed.

Mr. R.K.Handa, learned counsel appearing on behalf of the appellant-plaintiffs submitted that both the Courts below have abdicated in not rendering the findings qua date of knowledge, though there were specific pleadings in the suit and as well as in examination-in-chief. There was vague denial in the written statement, much less in examination-in-chief despite extensively remained un-shattered.

I have heard the learned counsel for the appellant-plaintiffs, appraised the judgments and decrees of the Courts below and of the view there is no force and merit in the submissions of Mr. Handa, for, the provisions of Limitation Act provide three years period from the date of attaining majority for assailing the act done by the guardian without seeking permission of the Court. As per the record, the date of birth of the plaintiffs is of 1952 and they attained the majority in 1970. However, the suit was filed in 2012. The acquisition of first knowledge do not extend the period of limitation. Otherwise, such practice is basically an attempt to circumvent the rigours of limitation.

As an upshot of my findings, arguments of Mr. Handa, have not been able to bring the case within the realm of illegality and perversity to

form a different opinion than the one arrived at by the Courts below. No substantial question of law arises for adjudication of the present appeal.

Resultantly, the appeal is dismissed.

May 16, 2019
savita

(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No