



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

RSA No.191 of 2018 (O&M)
Date of Decision: 08.05.2024

Jarnail Singh
...Appellant
Versus
Gurpal Singh & another
...Respondents

CORAM: HON’BLE MRS. JUSTICE MEENAKSHI I. MEHTA

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

* * * *

MEENAKSHI I. MEHTA, J.

Feeling aggrieved by the judgment and decree rendered by learned Civil Judge (Jr. Division), Gurdaspur (for short ‘the trial Court’) on 01.07.2016, whereby the Civil Suit filed by the appellant-plaintiff (here-in-after to be referred as ‘the plaintiff’) for seeking a decree for declaration to the effect that he was the owner in possession of the suit land to the extent of 1/8th share and that the sale-deed dated 29.01.1999, allegedly executed by Baal Kaur in favour of the respondents-defendants (here-in-after to be referred as ‘the defendants’), was illegal, null and void, had been dismissed as well as by the judgment and decree handed down by learned Additional District Judge, Gurdaspur (for short ‘the Lower Appellate Court’) on 10.04.2017, dismissing the appeal as moved by him against the afore-said judgment and decree passed by the trial Court, he (plaintiff) has preferred the instant appeal to lay challenge to the same.

2. Bereft of unnecessary details, the facts, as emerging from the perusal of the file and resulting in the filing of the present appeal, are that



the plaintiff filed the above-referred Civil Suit, while averring that the name of his mother was Gurcharan Kaur who had expired on 11.03.1999. The defendants had got the afore-alleged sale-deed regarding the suit land, executed in their favour from Baal Kaur wife of Harnam Singh whereas in fact, the name of the wife of above-said Harnam Singh, i.e their father, was Gurcharan Kaur. Defendants No.1 and 3 submitted their written-statement, wherein they contested the claim of the plaintiff on various grounds. The plaintiff filed his replication and then, the parties were put to the trial by framing the issues and after appreciating and evaluating the evidence, led by them on the record and hearing their counsel, the trial Court dismissed the afore-referred Civil Suit and the appeal, moved by the plaintiff, has also been dismissed, as already discussed in the opening para of this judgment.

3. I have heard learned counsel for the appellant-plaintiff in this appeal, at the preliminary stage and have also perused the file carefully.

4. The plaintiff has claimed that the name of his mother was Gurcharan Kaur, who was the wife of Harnam Singh, i.e his father but the defendants had got the above-said sale-deed qua the suit land, executed in their favour from one Baal Kaur wife of Harnam Singh and therefore, the afore-mentioned sale-deed was illegal, null and void. However, it is worthwhile to mention here that the trial Court as well as the Lower Appellate Court have concurrently observed in their respective judgments that during his cross-examination as PW1, the plaintiff himself had admitted that Baal Kaur and Gurcharan Kaur were the names of one lady, i.e his mother and that in the revenue record, the name of his mother had been mentioned as Baal Kaur and even in column No.4 in the copy of Mutation Exhibit D-2, the name of the owner had been mentioned as '*Gurcharan Kaur @ Baal*



Kaur’ and that the above-said Mutation had been sanctioned at the instance of the plaintiff. In these circumstances, it does not lie in his (plaintiff’s) mouth to assail the legality of the afore-referred sale-deed on the ground that vendor Baal Kaur and his mother Gurcharan Kaur were two different ladies.

5. Then, admittedly, the plaintiff has three brothers and four sisters but he has not impleaded his sisters in the Suit and the trial Court has held that the Suit was bad for non-joinder of the necessary parties. Further, both the Courts below have also observed that concededly, the plaintiff had come to know about the execution of the sale-deed in dispute in the year 1999 but he filed the Suit in the year 2012, i.e much beyond the prescribed period of limitation. The plaintiff has not been able to come forward with any cogent reason/ground to show that the above-discussed findings are factually or legally incorrect or are perverse in any manner.

6. As a sequel to the fore-going discussion, it follows that the impugned judgments and decrees, as passed by both the Courts below, do not suffer from any illegality, infirmity, irregularity or perversity so as to warrant any interference by this Court. Resultantly, the same are, hereby, upheld and the Regular Second Appeal in hand, being devoid of any merit, stands dismissed.

(MEENAKSHI I. MEHTA)
JUDGE

08.05.2024
seema

Whether speaking/reasoned: Yes
Whether Reportable: No