

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****RSA-2391-2019 (O&M)****Reserved on : 01.12.2025****Pronounced on : 19.12.2025****Judgment uploaded on : 19.12.2025**

Whether only the operative part of the judgment is pronounced or whether the full judgment is pronounced : Full

Kela @ Lajja and Another

....Appellants

VERSUS

Amar Chand and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. S.K. Panwar, Advocate and
Mr. Ravi Malik, Advocate for the appellants.

ALKA SARIN, J.

1. Present appeal has been preferred by the plaintiff-appellants challenging the judgment and decree dated 25.01.2016 passed by the Trial Court and the judgment and decree dated 18.01.2019 passed by the First Appellate Court whereby the suit for declaration and permanent injunction has been dismissed.

2. Briefly the facts relevant to the present *lis* are that the plaintiff-appellants herein filed a suit seeking a declaration to the effect that the sale deed with regard to the suit land as fully described in the plaint bearing Wasika No.607 dated 23.06.1981, mutation No.1079 and the subsequent entries in the revenue record in favour of the defendant-respondents are illegal, null and void and liable to be set aside. The plaintiff-appellants claimed themselves to be the co-sharers/co-owners in joint possession to the extent of 2/18th share in

the land as fully described in the plaint. It was the case set up that the land was inherited by the plaintiff-appellants alongwith their brother, namely, Nanak Chand from their father Sh. Handu however, Nanak Chand sold the said land to the predecessor-in-interest of the defendant-respondents vide sale deed dated 23.06.1981 on his behalf and on behalf of the plaintiff-appellants. It was further the case set up that the plaintiff-appellants were minors at the time of execution of the sale deed and no contract could have been entered on their behalf and that by way of impersonation Nanak Chand had got the sale deed executed in favour of the predecessor-in-interest of the defendant-respondents.

3. The suit was contested by defendant-respondent No.3, who raised several preliminary objections. On merits it was stated that the plaintiff-appellants were majors on 23.06.1981 and they were present at the time of execution of the sale deed alongwith their brother Nanak Chand. It was further averred that there was no fraud or misrepresentation. Defendant-respondent Nos.1, 2 and 4 to 13 also filed their separate written statement raising similar pleas. Replication was not filed.

4. On the basis of the pleadings of the parties, the following issues were framed :

1. Whether the sale deed and Wasika No.607 dated 23.06.1981 and the mutation no.1079 as well as subsequent revenue entries are illegal, null and void and liable to be set aside ? OPP
2. Whether the plaintiff is entitled to the relief of permanent injunction as prayed for ? OPP
3. Whether the suit is barred by limitation ? OPD

4. Whether the suit of the plaintiffs is bad for non joinder of necessary party ? OPD
5. Whether the plaintiffs have no locus standi and cause of action to file the present suit ? OPD
6. Whether the suit is maintainable in the present form ? OPD
7. Relief.

5. The Trial Court vide judgment and decree dated 25.01.2016 dismissed the suit. Aggrieved by the same, an appeal was preferred by the plaintiff-appellants which appeal was also dismissed by the First Appellate Court vide judgment and decree dated 18.01.2019. Hence, the present regular second appeal.

6. Learned counsel for the plaintiff-appellants would contend that both the Courts have erred in dismissing the suit. It is urged that the plaintiff-appellants were minors at the time of execution of the sale deed dated 23.06.1981 and hence the sale deed ought to have been declared illegal, null and void.

7. Heard.

8. In the present case there was not an iota of evidence led by the plaintiff-appellants, as has been held by both the Courts, to prove that they were minors at the time of execution of the sale deed dated 23.06.1981. No birth certificate or any other document was produced on record to show their age at the time of execution of the sale deed. Both the Courts have further held that even in the plaint the date of birth of the plaintiff-appellants was not mentioned. Though birth certificate of one of the plaintiffs, namely, Dhakeli was produced on the record as Ex.P2 however, she herself failed to step into the witness-box. Further, the name on the birth certificate was mentioned as

Dropti but there was nothing on the record to even remotely suggest that Dropti and Dhakeli were one and the same person. In the absence of any cogent evidence having been led qua the age of the plaintiff-appellants, no fault can be found with the judgments and decrees passed by both the Courts.

9. In view of the above, I do not find any merit in the present appeal. No question of law, much less any substantial question of law, arises in the present case. The appeal, being devoid of any merit, is accordingly dismissed. Pending applications, if any, also stand disposed off.

19.12.2025
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO