

RSA-2923-2012 (O&M)

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221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-2923-2012 (O&M)

Date of decision : 11.12.2025

Gurkomal Singh & ors.

..... Appellants

Versus

Niranjan Dass (since deceased) thr.
His LRs & ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Rai Singh Chauhan, Advocate and
Mr. Rohit Sapehiya, Advocate
for the appellants.

Ms. Navjot Kaur, Advocate for
Mr. B.S.Bhalla, Advocate
for respondent No.1

PANKAJ JAIN, J. (ORAL)

1 Plaintiffs are in second appeal. For convenience, parties hereinafter are referred to by their original position in the suit i.e. the appellants as plaintiffs and respondents as defendants.

2 Plaintiffs filed suit seeking decree of declaration to the effect that the decree passed in Civil Suit No.17 of 1973 dated 21.03.1973 suffered by Mela Ram in favour of defendant No.1 is illegal and not binding upon the rights of the plaintiffs. The challenge is based upon the ground that the sale certificate issued in favour of Mela Ram dated 22.07.1974 had a condition that Mela Ram shall not sell, mortgage, exchange or in any other way transfer the property for 10 years. The Trial Court dismissed the suit holding the same



to be barred by time. As per the Court of the First Instance, the limitation to file suit challenging decree dated 21.03.1973 would be governed by Article 59 of the Limitation Act, 1963 (for short, 'the 1963 Act'). Thus, the limitation prescribed would be three years from the date of knowledge of the judgement and decree. The Trial Court further held that as per statement made by PW1 Tara Singh, Mela Ram died somewhere in the year 1991-1994. His son Girdhari Lal, the predecessor-in-interest of the plaintiffs died in the year 2000. None of them during his lifetime ever laid any challenge to the judgement and decree. The mutation was also sanctioned in the year 1974 which was entered in Jamabandi Ex.D2 for the year 1976-1977. Thus, the present suit was barred by limitation.

3 Mr. R.S.Chauhan, Advocate for the plaintiffs while assailing the finding claims that the suit being based upon title, the limitation would be governed by Article 65 and not Article 59 of the 1963 Act.

4 The argument raised is misconceived. The entire suit filed by the plaintiffs is based upon the condition which is part of the sale certificate dated 22.07.1974 which imposed conditions upon alienation/transfer of the property on Mela Ram. Thus, it is not a suit based upon title. The title in the plaintiffs would vest only in case they are held entitled to seek decree of declaration *qua* annulment of the judgement and decree dated 21.03.1973.

5 There is another aspect to the present case. Mela Ram was put in possession of the allotted property in the year 1966. The sale certificate could be issued only in the year 1974 and by that time he had already transferred the land by way of Civil Court decree dated 21.03.1973.

6 In view thereof, this Court finds no reason to interfere in the well-reasoned findings recorded by the Courts below holding the suit filed by the plaintiffs to be barred by time.

7 Appeal stands dismissed.

8 Pending miscellaneous application, if any, also stands disposed off.

11.12.2025

Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No