



**132 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RSA-2397-2024 (O&M)

Date of decision : 30.01.2025

Gursewak Singh and others

...Appellants

Vs.

Piara Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Abhay Gupta, Advocate
for the appellants.

ANIL KSHETARPAL, J. (Oral)

1. The plaintiff assails the correctness of concurrent findings of fact arrived at by the Courts below while dismissing his suit for specific performance of agreement to sell dated 06.08.1974. It is evident that the agreement was entered into on 06.08.1974 and the sale deed was to be executed within one year from the date of agreement. The plaintiff filed the suit in the year 2013. Both the Courts have found that the suit was filed beyond the period of limitation because the period of limitation will begin to run after the elapse of one year from the date of agreement.

2. Learned counsel representing the appellants submits that the payment of Rs.10,300/- and execution of the agreement is admitted by the defendants. He further submits the mutation of the property in favour of the defendant was sanctioned on 27.09.2012.

3. This Court has considered the submissions made by the learned counsel representing the appellants.

4. As per Column III of Article 54 of the Limitation Act, 1963, a period of three years will begin to run from the date fixed for specific performance of the agreement to sell. This case will be governed by first part of Column III of Article 54 of the Limitation Act, 1963. The sale deed was to be executed within a period of one year, hence the limitation began to run from the time when the period of one year elapsed. Sanctioning of mutation of the property would not give rise to fresh cause of action to file suit to the plaintiff.
5. Hence, no ground to interfere is made out.
6. The appeal is dismissed.
7. All the pending miscellaneous applications, if any, are also disposed of.

30.01.2025
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No