143 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-1217-2024 (O&M)
Date of decision : 30.01.2025

Jyoti @ Kavita **...Appellant**

Vs.

Krishan (Since Deceased) through Lrs and others **...Respondents**

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kulvir Narwal, Advocate
Mr. Abhisar Chaudhary, Advocate
Ms. Geetanjali Bhatia, Advocate
for the petitioner/appellant.

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ANIL KSHETARPAL, J. (Oral)

1. This regular second appeal has been filed by the plaintiff to assail the correctness of concurrent findings of fact arrived at by the Courts below while dismissing her suit for declaration and consequential relief of permanent injunction.

2. Late Sh. Rishala was original owner of the property. During his lifetime, he suffered a consent decree in favour of defendants No. 1 and defendant No.2 (son and grandson of Sh. Rishala, respectively). The appellant is daughter of another deceased son of Sh. Rishala. She was born on 29.11.1988. She attained the age of majority on 29.11.2006, whereas, the present suit was filed on 17.02.2016. Thus, both the Courts has held that the plaintiff's suit was filed beyond the prescribed period of limitation because three years will begin to run from the date the appellant attained the age of majority.

3. Learned counsel representing the appellant submits that the plaintiff has filed a suit for grant of decree of declaration that she alongwith her mother is the owner to the extent of 8/21 share. Hence, the suit is based upon inheritance.

4. This Court has considered the submissions made by the learned counsel representing the appellant.

5. It is evident that the plaintiff has also assailed the correctness of decree passed by the competent Court on 24.12.1988. The limitation to challenge the Court decree begins to run from the date the decree was passed. In this case, the limitation will begin to run from the date the appellant attained the age of majority. Moreover, the appellant claims that the property was ancestral co-parcenary property, however, she failed to prove the same.

6. Hence, no ground to interfere is made out.

7. The appeal is dismissed.

8. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

30.01.2025
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Whether speaking/reasoned : Yes No

Whether Reportable : Yes No