

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

126

2025.PHHC:000353



**RSA-3128-2024 (O&M)
Date of decision: 07.01.2025**

MOHINDER SINGH (DECEASED) THROUGH LR ..Appellant

Versus

TEJINDER PAL SINGH AND ORS ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Brajesh Kumar Kaundal, Advocate for the appellant.

ANIL KSHETARPAL, J(Oral)

1. The First Appellate Court has decreed the suit qua refund/recovery of Rs.11,62,500/-, which was paid by the respondent's mother (plaintiff's mother) upon execution of two sale deeds in her favour by defendant No.1 to 3 claiming to be owner of the suit property. Subsequently, it was found that defendant No.1 to 3 are not owners. Thus, the First Appellate Court held that the plaintiff is entitled to refund of the amount, which was paid by his mother to defendant No.1 to 3.

2. Learned trial Court dismissed the suit while relying upon Article 58 of the Schedule attached to the Limitation Act, 1963, whereas, the First Appellate Court found that Article 58 is not applicable to a suit for recovery of the amount.

3. Learned counsel for the appellant submits that limitation for filing suit for recovery will begin to run from the date the sale deed is executed. The argument of learned counsel for appellant has no substance because the limitation to recover the amount paid by the purchaser shall begin to run from the date purchaser's ownership comes under cloud.

4. Learned counsel for the appellant did not press any other issue.

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



6. Dismissed accordingly.

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

January 07th, 2025

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*