



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

101

RSA-722-2018

Date of Decision: 05.04.2025

ASHU AND OTHERS

.....Petitioner

Vs.

FAIMAN (DECEASED) THROUGH HER LRS AND OTHERS .....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Lalit Yadav, Advocate for  
Mr. Sandeep Sharma, Advocate  
for the appellants.

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**DEEPAK GUPTA, J. (ORAL)**

Defendants of the case are before this Court against the concurrent findings of the Courts below. Suit for declaration with consequential relief of permanent injunction filed by plaintiff-Faiman (*respondent No.1 herein through her LRs*) was decreed by the trial Court on 13.02.2015. The appeal filed by the contesting defendant Nos. 1 to 8 (*appellants herein*) was dismissed by the First Appellate Court on 08.05.2017.

Assailing the aforesaid concurrent findings, it is contended by learned counsel that by virtue of mutation bearing No.1188 dated 28.06.2006, the defendants had become owners of the suit land and that plaintiff brought the suit, by asserting her right in the suit property on 03.03.2010 and suit was barred by limitation.

There is no merit in the contention.

On perusal of the paper book, it is found that suit property belonged to Ismail @ Islam. Plaintiff-Faiman, and proforma defendant No.9



Majidan and Ujiri were the daughters of Ismail @ Islam. As Ujiri had expired so her children have been impleaded as proforma defendant Nos. 10 to 15. Plaintiff claimed suit property on the basis of natural succession of Ismail in her favour and in favour of proforma defendants. Defendants simply relied upon a mutation bearing No.1188 dated 26.06.2006 in their favour.

The Courts below have rightly held that plaintiff and proforma defendants are the direct descendents of Ismail, so they had inherited the suit property. The defendants could not convince the Court as to how they are related to Ismail @ Islam and on what basis, mutation bearing No.1188 dated 26.06.2006 was sanctioned in their favour. The defendants could not even produce evidence regarding any custom so to ignore the daughters amongst the Meo's in succession to the property of their father.

Since the suit is based upon title, so the limitation could not be a bar to seek title to the suit property.

In view of the aforesaid discussion, this Court does not find any merit in the appeal. As such, the same is hereby dismissed.

05.04.2025

pry

( DEEPAK GUPTA )  
JUDGE

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