

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Second Appeal No. 19/2024

1. Kishanlal S/o Ganguram S/o Ganesharam, Aged About 70 Years, R/o Jandawali Tehsil & District Hanumangarh, Presently R/o Gohabagh Firozpur Tehsil District Firozpur (Punjab)
2. Pappu alias Pramod S/o Ganguram, Aged About 72 Years, R/o Jandawali Tehsil & District Hanumangarh, Presently R/o Gohabagh Firozpur Tehsil District Firozpur (Punjab)
3. Sukhi, W/o Ganguram (Death), R/o Jandawali Tehsil & District Hanumangarh, Presently R/o Gohabagh Firozpur Tehsil District Firozpur (Punjab)
4. Mahendro alias Bindero D/o Ganguram, Aged About 58 Years, R/o Jandawali Tehsil & District Hanumangarh, Presently R/o Gohabagh Firozpur Tehsil District Firozpur (Punjab)
5. Kalo D/o Ganguram, Aged About 57 Years, R/o Jandawali Tehsil & District Hanumangarh, Presently R/o Gohabagh Firozpur Tehsil District Firozpur (Punjab)
6. Rupodevi D/o Ganguram, Aged About 74 Years, R/o Jandawali Tehsil & District Hanumangarh, Presently R/o Gohabagh Firozpur Tehsil District Firozpur (Punjab)
7. Bhago D/o Ganguram, Aged About 58 Years, R/o Jandawali Tehsil & District Hanumangarh, Presently R/o Gohabagh Firozpur Tehsil District Firozpur (Punjab)

----Appellants

Versus

Shravan Singh S/o Karam Singh, R/o Jandawali Tehsil & District Hanumangarh.

----Respondent

For Appellant(s) : Mr. S.K. Shreemali

HON'BLE MS. JUSTICE REKHA BORANA

Order

24/02/2026

1. The present second appeal has been filed aggrieved of judgment & decree dated 01.11.2023 passed by the Additional District Judge No.2, Hanumangarh in Civil Appeal No. 18/2017 whereby judgment & decree dated 02.06.2017 passed by Senior

Civil Judge, Hanumangarh (hereinafter referred to as 'the learned Trial Court') in Civil Suit No. 09/2012 (CIS No. 678/2014); Kishan Lal & Ors. Vs. Shrawan Singh, stood affirmed. Vide judgment & decree dated 02.06.2017, the learned Trial Court proceeded on to dismiss the suit for cancellation of sale-deed dated 13.08.1979, as filed by the plaintiffs.

2. The plaintiffs averred the land in question to be an ancestral property and submitted that sale-deed dated 13.08.1979 was forged by the defendant, as Ganguram i.e., father of the plaintiffs never executed any sale-deed in favour of the defendant. It was further pleaded that the plaintiffs came to know about the sale-deed in the year 2009 only and soon thereafter, requested the defendant to get the same cancelled vide compromise, but he declined and hence, the suit in question was filed in the year 2012.

3. The learned Trial Court, while dismissing the suit, observed that prior to the suit in question, a suit was filed by the plaintiffs before the Revenue Court too, in the year 1992. The Court therefore recorded a specific finding that the averment to the effect that the plaintiffs came to know about the sale-deed in the year 2009, was incorrect. The learned Trial Court hence dismissed the suit filed in the Year 2012 qua the sale-deed of Year 1979, holding it to be barred by limitation.

4. The learned Trial Court also took a presumption in terms of Section 90 of the Indian Evidence Act, 1872 qua the sale-deed of the Year 1979, it being a document more than 30 years old and having been produced from a proper custody.

5. Counsel for the appellants submitted that the property in question even otherwise could not have been sold out by Ganguram alone, as the *Sanad* qua the land in question was issued jointly in favour of Ganguram and his wife Sukhi. Ganguram not being the sole owner of the property had no absolute right to transfer the same.

6. This Court is of the clear opinion that the above ground cannot be taken into consideration by this Court at the stage of second appeal as the said ground was not raised by the plaintiffs either in the suit or at the first Appellate stage. It was never the ground of the plaintiffs that Sukhi wife of Ganguram was the joint owner of the property in question. The only ground raised was that the land allotted to their father Ganguram was an ancestral property and Ganguram did not execute any sale-deed in favour of the defendant, in fact, it is the defendant who forged the said sale-deed.

7. After hearing Counsel for the appellants and perusing the record, this Court is in concurrence with the findings as recorded by both the Courts below. There is nothing available on record to suggest that the defendant forged the sale-deed in question. The plaintiffs failed to discharge the burden of the relevant issue.

8. Further, once it was established on record that the plaintiffs were aware of sale-deed dated 13.08.1979 in the year 1992 itself, the suit in question filed in the year 2012 was clearly barred by limitation and the learned Trial Court rightly held so.

9. No substantial question of law arises in the present second appeal and the same is hence, **dismissed**.

10. Stay application and all pending applications, if any, stand
disposed of.

(REKHA BORANA),J

8-Mak/-