



**RA-RS-84-2025 in
RSA-3793-2025 (O&M)**

-1-

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

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**RA-RS-84-2025 in
RSA-3793-2025 (O&M)
Date of Decision : 01.12.2025**

Ravinder Kaur and Others

....Appellants

VERSUS

Harjot Singh (deceased) through LR

....Respondent

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Sumeet Mahajan, Sr. Advocate with
Mr. Saksham Mahajan, Advocate
Mr. Radhika Deekshay, Advocate for the appellants.

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MANDEEP PANNU, J.

1. The applicants have filed the present review application under Order 47 Rule 1 CPC seeking review of the judgment dated 07.11.2025 passed by this Court in RSA No. 3793 of 2025 whereby the appeal was dismissed in limine.

2. It is stated that the RSA had been preferred against the judgment and decree dated 31.10.2019 of the Civil Judge (Junior Division), Hoshiarpur and the judgment dated 23.09.2025 of the District Judge, Hoshiarpur. The applicants contend that this Court, while dismissing the RSA, erred in holding that limitation had not begun to run against the plaintiff and that the defendants never pleaded adverse possession. It is further averred that the written statement specifically contained a plea of limitation and once such plea was taken the Courts below were required to determine when limitation under Article 65 of the Limitation Act commenced. The review application further asserts that the distinction between defendant No.1, who was alleged to be a licensee, and defendants No.2 to 5, who



**RA-RS-84-2025 in
RSA-3793-2025 (O&M)**

-2-

were pleaded to be trespassers, was not considered. It is further stated that as per the pleadings of the plaintiff, possession of defendants No.2 to 5 was always adverse and hostile. Further, that the plea of adverse possession stood admitted in terms of Section 58 of the Evidence Act since the plaintiff described defendants No.2 to 5 as trespassers. It is further stated that the Court failed to appreciate the effect of the plaintiff's own pleadings and that the amendment sought under Order 6 Rule 17 CPC was rejected on a technical ground despite settled law requiring liberal approach. It is also stated that errors apparent on record have occurred in holding that the amendment application was rightly dismissed, and that the impugned judgment overlooks the statutory provisions and the legal position governing adverse possession, limitation, and amendment of pleadings. Hence, review of the judgment dated 07.11.2025 is sought.

Findings of this Court

3. Having heard learned counsel for the applicants and perused the record, this Court is of the considered view that no ground is made out to invoke the limited jurisdiction of review under Order 47 Rule 1 CPC. A review is maintainable only when there is an error apparent on the face of the record, discovery of new and important matter which could not be produced earlier despite due diligence, or for any other sufficient reason. It is well-settled that the review jurisdiction cannot be exercised as an appellate jurisdiction, nor can the Court re-appreciate evidence or reconsider findings already recorded in the judgment sought to be reviewed. Mere repetition of grounds which were canvassed at the time of hearing of the RSA or which could have been so canvassed, cannot constitute a ground for review.



**RA-RS-84-2025 in
RSA-3793-2025 (O&M)**

-3-

4. In the present case, a perusal of the judgment dated 07.11.2025 passed in RSA No. 3793 of 2025 shows that this Court had examined each and every contention raised on behalf of the appellants, including the plea of limitation, the nature of possession of defendant No.1 and defendants No.2 to 5, the plea of adverse possession, the effect of the plaintiff having described defendants No.2 to 5 as trespassers, the rejection of the amendment application under Order 6 Rule 17 CPC, the application under Order 41 Rule 27 CPC, the admissibility and effect of the sale deed dated 08.07.1974, and the plea regarding lack of authority of the plaintiff. Detailed reasons were assigned while affirming the concurrent findings of both the Courts below and while holding that the suit was within limitation since the defendants had never pleaded adverse possession.

5. The principal ground raised in the review petition relates to limitation and the assertion that defendants No.2 to 5 were trespassers since 1975. This very contention was dealt with threadbare in paragraphs 23 to 27 of the RSA judgment. It was specifically held that adverse possession is a distinct plea which must be clearly pleaded and proved. Mere description as trespassers in the plaint does not, by itself, constitute an admission of adverse possession under Section 58 of the Evidence Act. The finding that the defendants never pleaded adverse possession and, therefore, limitation never commenced against the plaintiff, was a conscious adjudication on merits.

6. The review applicants are essentially attempting to re-argue the RSA on the same grounds, which is impermissible in review jurisdiction.

7. As regards the contention that the lower Courts failed to distinguish between a licensee (defendant No.1) and trespassers (defendants No.2 to 5), this aspect too was specifically addressed. The RSA judgment records that even if



**RA-RS-84-2025 in
RSA-3793-2025 (O&M)**

-4-

defendants No.2 to 5 were described as trespassers, the plaintiff had consistently asserted ownership and the defendants never asserted hostile title. The finding that possession remained permissive is a finding of fact based on the evidence already on record. No error apparent on the record in this regard is pointed out.

8. The challenge to the rejection of the amendment application under Order 6 Rule 17 CPC has also been reiterated in the review petition. The RSA judgment already considered the reasons assigned by the First Appellate Court for rejecting the amendment. The review applicants rely upon the decisions in *Revajeetu Builders and Developers V. Narayanaswamy and sons and Others (2009) 10 SCC 84* and *Usha Balashaheb Swami v. Kiran Appaso Swami and Others (2007) 5 SCC 602*. Both these judgments lay down the general principle that amendments intended to determine the real controversy and not causing injustice should ordinarily be allowed. However, these very judgments also emphasize that amendments which seek to introduce a new and inconsistent plea, or which change the fundamental nature of the defence, may be refused. In the present case, the amendment sought to introduce the plea of adverse possession for the first time at the appellate stage, despite the defendants having failed to plead such a foundational defence at trial. Allowing such an amendment would have fundamentally altered the nature of the defence and prejudiced the plaintiff. Hence, the reliance on the aforesaid decisions is wholly misplaced, and the distinction drawn in the RSA judgment is correct.

9. Similarly, the reliance upon the proposition that long possession, construction of structures, or payment of taxes supports a claim of adverse possession was rejected with reasons, as reflected in paragraph 26 of the RSA judgment. This Court had already observed that such acts, without clear hostile



**RA-RS-84-2025 in
RSA-3793-2025 (O&M)**

-5-

assertion of ownership, cannot constitute adverse possession. The review applicants have not shown how this finding is erroneous on its face.

10. The further plea that the sale deed dated 08.07.1974 was wrongly accepted under Section 90 of the Evidence Act was also considered previously. The RSA judgment records that the document was over thirty years old, produced from proper custody, supported by the testimony of the plaintiff's attorney and medical evidence explaining his absence. The review applicants have not shown any error apparent in this regard. On careful consideration, this Court finds that all the grounds raised in the review petition were either expressly dealt with in the RSA judgment or are attempts to re-argue questions already determined. None of the findings recorded in the RSA judgment disclose any patent illegality, manifest error, or self-evident mistake which would justify exercise of review jurisdiction. The review petition seeks a re-appreciation of the entire matter, which is beyond the permissible scope of review.

Conclusion

11. For the reasons recorded above, this Court finds no error apparent on the face of the record warranting review of the judgment dated 07.11.2025 passed in RSA No. 3793 of 2025. The review petition is accordingly dismissed.

12. Pending applications, if any, also stand disposed of.

December 01, 2025
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(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No.