

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.547 OF 2013

SHANKERBHAI MAGANBHAI PATEL & ANR.)...APPELLANTS

V/s.

THE GOVERNMENT OF INDIA & ORS.)...RESPONDENTS

Mr.Nitesh Bhutekar, Advocate for the Appellants.

Mr.Shrishailya Deshmukh, Advocate for Respondent Nos.2, 3 & 4.

Coram: Smt.R.P.SondurBaldota, J.

Date : 21st January, 2015.

P.C. :

1 The appellants are the original plaintiffs, who challenge the concurrent findings of fact and law by the courts below, in dismissing the suit filed by them for title to the suit property, claiming that they have become owners thereof by adverse possession. The respondents, the original defendants, are (1) the Government of India, (2) Administrator, Administration of Dadra and Nagar Haveli, Silvassa, (3) Collector and Land Acquisition Officer, Dadra and Nagar Haveli, Silvassa, and (4) The

Executive Engineer, PWD, Silvassa, Dadra and Nagar Haveli. Admittedly, the appellants came into possession of the suit property on 2nd May, 1983. As such, there could be no claim for title by adverse possession by them against the respondents. Mr. Bhutekar, the learned advocate for the appellants, however, claims that for the plea of adverse possession, the appellants can take advantage of the period of time when the predecessor of the appellants was in actual, uninterrupted and hostile possession of the suit property. According to the appellants, their predecessor was cultivating the land and as such was in possession. There is no evidence on record of the actual possession of the land by the predecessor of the appellants for any length of time. In any case, the claim of title by adverse possession can be available to a person individually. It cannot be passed on to another person. Hence, there is no infirmity in the orders of the Courts below. There is also no substantial question of law arising before this court. Hence, the Second Appeal is dismissed.

(Smt.R.P.SondurBaldota, J)