

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.1237 of 2013

Decided on: March 02, 2015.

Ikhlaq

.... Petitioner

Versus

Balbir Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Sandeep Sharma, Advocate for
Mr. S.K. Panwar, Advocate,
for the petitioner.

None for respondent No.1.

M.M.S. BEDI, J (ORAL)

Vide order dated 16.09.2014 it was ordered that if nobody appears on behalf of the petitioner on the date fixed then the instant petition shall be dismissed for want of prosecution.

On 28.11.2014, a request was made for adjournment.

Today again, proxy counsel for the petitioner has made a request for adjournment, but in view of said circumstances, I do not find any ground to defer the hearing.

Perusal of the file indicates that in suit filed by the plaintiff-respondent No.1, the defendant-petitioner had been restrained from interfering in the peaceful possession of the plaintiff-respondent No.1 over the suit land in any manner. The said order was affirmed by the Appellate Court vide order dated 18.10.2012. The period of almost three years has elapsed. The Courts below on the basis of revenue record available on the

file arrived at a prima facie conclusion that the plaintiff-respondent No.1 has been in possession of the property. This right has been determined on the basis of comparative rights of the parties.

Taking into consideration the possessory title, the claim of the petitioner-defendant as *Gair Mumkin*, prima facie stands defeated by the sale deed dated 30.11.2006 in favour of the plaintiff-respondent No.1.

This petition is dismissed with a direction that trial Court shall decide the suit within a period of six months by giving short dates.

(M.M.S. BEDI)
JUDGE

March 02, 2015
harsha