

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

RSA No.83 of 2003(O&M)

Date of Decision:6.7.2015

Jagir Singh through GPA Baba Inderjit Kaur	Appellant
Versus	
Gurmehar Singh and others	Respondents

CORAM: Hon'ble Mr.Justice Rajiv Narain Raina

Present: Mr.Ranjit Sharma, Advocate for the appellant

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- 1.To be referred to the Reporters or not?
- 2.Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA (ORAL)

This is defendant's second appeal in a suit for declaration to the effect that the plaintiff has become owner in possession of land measuring 17 kanals 4 marlas comprising Khasra number described in the head note of the plaint. The claim is based by the mortgagee of ownership by efflux of time. The appellate court vide its judgment and decree dated 11.1.2010 has affirmed the findings of the trial court and decreed the suit against the defendant and they have been declared owners by adverse possession. In the meantime, the law is changed and it is no longer open to mortgagee to urge that he has become owner by adverse possession on expiry of period of 30 years from the date of mortgage. The old view has changed with the Supreme Court affirming the Full Bench decision of this Court in **Singh Ram (D) through L.Rs v. Sheo Ram and others,** 2014(4) RCR (Civil) 179. The issue is no longer *res integra*. Though this appeal was listed for completion of service of respondents, this Court feels that it is no longer necessary to hear the respondents on the point settled by the Supreme Court where this

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Court and all civil authorities have to act in aid thereof.

The appeal is allowed. The judgments and decrees dated 27.8.1998 and 11.1.2002 passed by the Addl.Civil Judge (Sr.Division), Baba Bakala and by the First Appellate Court respectively, are set aside. However, the respondents are given liberty to apply in this appeal in case they wish to urge anything in their support.

Copy of this order be sent by the Registry to the respondents.

(RAJIV NARAIN RAINA)
JUDGE

6.7.2015
MFK