

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.7881 of 2015 (O&M)

Date of Decision.26.11.2015

Baljeet Kaur and others

.....Appellants

Versus

Nachhattar Singh and others

.....Respondents

Present: Mr. RVS Chugh, Advocate
for the appellants.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The revision petition is filed on plea that the suit for possession of the property was met with by defendant that the plaintiffs are not at all in possession and the defendant-petitioner alone is in possession by virtue of purchase. He pointed out to the fact that the document of purchase also makes a reference to the property as having been delivered to him. The case has been instituted in the year 2012 and application for amendment of the plaint has been moved on a plea that the respondent-defendant has taken forcible possession on 07.11.2014 and that the plaintiffs would, therefore, seek for the relief of recovery of possession.

2. I cannot find any prejudice by such an amendment having been allowed, for it is open to the defendant to contend that the original cause of action as taken was wrong and even the plea that the defendant took possession of the property on 07.11.2014 is not correct.

The suit for recovery of possession can succeed only if the plaintiffs are able to prove their title to the property. The defendant's own retention of the possession is possible again only in situation of where the defendant has better title than the plaintiffs. The actual date of dispossession is itself irrelevant so long as there is no plea of adverse possession or an issue of limitation.

3. I do not think any prejudice is possible for the defendant. I, therefore, decline to make any intervention in the revision petition. The revision petition is dismissed.

(K. KANNAN)
JUDGE

November 26, 2015
Pankaj*