

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No. 2199 of 1988
Date of decision: 31.07.2015

Saraju & othersAppellant(s)

Versus

Rulia & others ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Ms.Minakshi Poswal, Advocate, for
Mr.R.S.Mamli, Advocate, for the appellants.

None for the respondents.

G.S.SANDHAWALIA, J. (Oral)

1. The present appeal has been filed by the plaintiffs-appellants who are dissatisfied against the dismissal of their suit for possession for the land measuring 1 kanal 2 marlas.
2. The defence of the defendants-respondents was that they were owners in possession of the land in dispute and had purchased the same by way of mutation No.5 of 1963, duly sanctioned on 08.12.1963 (Exhibit D1) and had raised construction on the land and were residing in the said house. The possession was stated to be since June, 1963. The plaintiffs produced Sarajudin as PW1 and Joginder Singh as PW2 and placed on record the jamabandi (Exhibit P1).
3. The Trial Court noticed that the possession of the defendants was for the last 23 years, as per the revenue record and therefore, the issue of ownership was decided against the plaintiffs. The Court fees was also held to be deficient and the suit was, accordingly, dismissed on 31.01.1987. The Lower Appellate Court upheld the findings recorded by the Trial Court by noticing that the long standing possession of the defendants since 1963 was proved and nothing could be

shown that the plaintiffs have been dispossessed recently. Resultantly, the appeal was also dismissed.

4. Thus, apparently, the factum of adverse possession of the defendants stood proved and the entitlement of the plaintiffs over the land in dispute stood extinguished by virtue of the suit having been filed beyond the period of 12 years since the mutation had been executed on 1963 and duly sanctioned on 08.12.1983. The findings recorded by the Courts below do not suffer from any infirmity and are on the basis of admitted pleadings and evidence led. No substantial question of law arises for consideration of this Court and the present appeal is, accordingly, dismissed.

31.07.2015
sailesh

(G.S. SANDHAWALIA)
JUDGE