

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

RSA No. 2688 of 2012 (O&M)

Date of decision : 16.7.2015

Kashmiri Lal

.. Appellant

versus

Piara Ram

.. Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Ashish Gupta, Advocate, for the appellant.

Rajesh Bindal, J.

The defendant is before this Court against the concurrent findings of fact recorded by both the Courts below whereby the suit filed by the respondent-plaintiff for possession, was decreed.

The respondent-plaintiff filed the suit claiming possession of the suit land on which the appellant-defendant had even raised some illegal construction as the same was encroached upon by him during his absence. The suit was sought to be defended by the appellant on the plea that he has become owner of the land in dispute by way of adverse possession being continuous and undisturbed for the last about 25 years. Both the Courts below having decreed the suit filed by the respondent-plaintiff, the judgments and decrees have been challenged in the appeal.

The mere fact that the appellant-defendant raised the plea of adverse possession, it presupposes that ownership of the plaintiff was admitted. In support of the plea for adverse possession, the sole evidence produced by the defendant was electricity bill dated 22.8.1988. However, the bill does not in any way specifies the premises where the electricity connection has been installed. The suit was filed on 1.4.2002. Still for the in between period of 14 years, no material was produced on record to establish that appellant-defendant had continuous, unobstructed, hostile and undisturbed possession of the property and to the knowledge of owner and other residents of village Jansua. Further he has not produced on record ration card, voter card or any other document showing that he was residing in the house in question.

The aforesaid evidence cannot be said to be sufficient for the purpose of recording finding of ownership in favour of the defendant in a suit, claiming ownership on the basis of adverse possession as the onus was heavily on him and possession had to be proved continuous and undisturbed but there is no evidence to that effect.

There is no error in the findings recorded by both the Courts below. No substantial question of law arises. The appeal is accordingly dismissed.

16.7.2015
vs

(Rajesh Bindal)
Judge