

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

RSA No.3442 of 2012 (O&M)
Date of Decision.11.12.2015

Moola Ram and others

.....Appellants

Vs.

Shardhanand and others

.....Respondents

Present: Mr. Zorawar Singh, Advocate for
Mr. N.S. Shekhawat, 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. Delay of 32 days in filing the appeal is condoned.
2. In the suit for recovery of possession by the plaintiff suing on title, the plaintiff was able to establish through a report drawn from the local commissioner that there had indeed been an encroachment of the property over which the plaintiff was entitled. The defendant was pleading for a case of adverse possession which he was unable to prove that he was in possession 12 years prior to the institution of the suit. There was no particular pleading about the commencement of such a possession as held adversely to the plaintiff's cause. According to the plaintiff, the encroachment had been caused in the year 2000 and the suit was filed in the year 2009. If recovery of possession had been sought within a period of 12 years, the possession cannot adverse and there were no special equities pleaded by the defendant to stave off the

action for recovery of possession.

3. The two Courts below have held the issue regarding title and for recovery of possession correctly and there is no scope for interference in the second appeal. The second appeal is dismissed.

(K. KANNAN)
JUDGE

December 11, 2015
Pankaj*