

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

Regular Second Appeal No.1961 of 2013 (O&M)

Date of decision: **30**.10.2015

Iqbal Singh and others

... Appellants

versus

Tara Singh and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: None.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J.

1. The defendants, who were unsuccessful in defending the suit for recovery possession, are the appellants. The suit for possession was laid by the plaintiff on a plea that the property was given to the defendants/predecessor Pritam Singh by the plaintiff Tara Singh taking note of the nearness of relationship. Pritam Singh's father Phuman Singh was keeping ill and was an asthmatic patient. He sought the permission of the plaintiff who was his uncle to offer the place for setting up a tea shop. Pritam Singh joined along with Nachhittar Singh began to misuse the property by putting up a structure without the plaintiff's permission. When the plaintiff

remonstrated, the defendants filed a suit for injunction claiming the property as belonging to them. The suit was dismissed holding that they were only licensees and that they had no right to the property apart from the licence obtained from the plaintiff. The appeal filed by the representatives of the then plaintiffs was also dismissed.

2. The suit is now for recovery and the very same contention of the property as belonging to them by adverse possession was taken. The defence is literally a repetition of the previously made averments by the defendants through a suit and appeal which ultimately went against them. The court has correctly held that the possession which was permissive cannot turn adverse by any length of time. The suit for possession claimed by the plaintiff is indefensible and the two courts below have correctly decreed the suit.

3. There is a no merit at all in the appeal. It is vexatious and dismissed as deserving no favourable consideration in favour of the appellants.

(K.KANNAN)
JUDGE

30.10.2015
sanjeev