

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

**Regular Second Appeal No. 5400 of 2014
Date of decision: February 13, 2015**

Jarnail Singh and others

....Appellants

Versus

Charan Singh through LRs and others

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present: Mr. A.K.Kalsey, Advocate, for the appellants

Fateh Deep Singh, J.

The two consecutive findings of learned Additional Civil Judge (Senior Division), Patti dated 16.2.2013 dismissing the suit of the plaintiffs and which findings are upheld by learned Additional District Judge, Tam Taran through its findings dated 24.5.2014 have come up in this appeal.

Heard Mr. A.K.Kalsey, Advocate for the appellants and perused the records.

It is the admitted own stand of the plaintiffs-appellants that they had taken possession of the land from Piara Singh through agreement dated

6.6.1978, from Gurmej Kaur through agreement dated 18.5.2007 and also on the stand that their illegal and unauthorized occupation has matured into adverse possession and thus entitles them to title and ownership is contradictory qua established law especially when it was on account of this forgery, an FIR has been registered against the plaintiffs at Police Station Patti and thus serious impediment for the plaintiffs seeking any relief under the Specific Relief Act which is a pure discretion and since the plaintiffs have neither been able to establish the three essential elements of prima facie case, balance of convenience and irreparable loss and have also not come up before the court with clean hands debars them to any relief and there being consistent findings of the two courts below which cannot be found fault with, impels this Court to dismiss the appeal in limine.

February , 2015
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(Fateh Deep Singh)
Judge