

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

RSA No. 6323 of 2014 (O&M)

Date of decision: September 1, 2015

Om Parkash and another

...Appellant

Versus

Budhram

...Respondents

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?**

Present: Mr. Sandeep Kumar Yadav, Advocate,
for the appellant.

K. KANNAN, J. (Oral)

1. The plaintiffs who allowed for a construction to be made in the property obtained a demarcation after the construction made by the defendant and sought for recovery of possession complaining of trespass. The trial court held that for the alleged trespass of 5 square yard, the plaintiffs cannot be granted the relief of possession but could be compensated at the market value. The lower Appellate Court confirmed the same.

2. The provision for compensation in a case where the defendant put up construction under a bonafide belief that he is the owner or when the person who is the owner allowed for a construction to be made without any objection is statutorily recognized under Section 51 of the Transfer of the Property Act. The court has done what is appropriate and I find no scope for

intervention. It is open for the plaintiffs to apply to the court in execution for assessment of the market value and secure the compensation in accordance with law.

September 1, 2015
prem

(K.KANNAN)
JUDGE