

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

RSA No.434 of 2014 (O&M)
Date of decision : 11.02.2016

Raj Kumari and ors.

...Appellants

Versus

Janji Ram and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Anurag Chopra, Advocate for the appellants.

AMIT RAWAL, J. (Oral)

The appellants-plaintiffs are aggrieved of the concurrent findings of fact, whereby suit claiming declaration that they are owner in possession in equal share on the basis of the oral agreement in respect of land measuring 4 kanals 7 marlas, has been dismissed.

Mr. Anurag Chopra, learned counsel appearing on behalf of appellants submits, that as an alternative measure, plea of adverse possession in affirmative was taken, in case oral agreement relied upon but not proved. Both the Courts below have committed illegality and perversity in declining the relief as they have been in continuous, long and uninterrupted possession.

The plea of adverse possession in affirmative cannot be taken but only taken as per the provision of Article 65 of the Indian Limitation Act. The appellant has failed to prove the oral agreement.

No documentary evidence has been placed on record to show long and settled possession so that they could seek dispossession except in due course of law. In the absence of such evidence, I am of the view that there is no illegality and perversity in the judgment and decree rendered by both the Courts below, much less, no substantial question of law arises for determination by this Court. Suit for declaration as well as injunction was not maintainable.

Appeal is dismissed.

11.02.2016

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**(AMIT RAWAL)
JUDGE**