

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

**RSA No.827 of 1998 (O&M)
Date of Decision: 09.10.2017**

Karam Chand and another

... Appellants

Versus

Mst. Bawi and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Ms. Deepali Puri, Advocate
for the applicants.

Mr. Dhawaljeet Dutta, Advocate,
for the appellants.

Mr. Sumeet Singh Arora, Advocate
for respondent No.2.

ANIL KSHETARPAL, J. (ORAL).

CM No.10980-C of 2009.

This is an application under Order 22 Rule 10 read with Order 1 Rule 10 CPC on the ground that the rights in the property have devolved upon Gurdip Kaur wife of Kuldeep Singh on the basis of the sale deed dated 27.1.1994. The applicants are permitted to argue the appeal only.

Main case

The plaintiffs had filed a suit for declaration to the effect that they had become owners by adverse possession of the land measuring 01 Kanal and 19 Marla. The learned trial Court decreed the suit, however, the learned first Appellate Court reversed the judgement and decree passed by the trial Court.

In view of the judgement passed by the Hon'ble Supreme Court in *Gurudwara Sahib Vs. Gram Panchayat village Sirthala and another*, 2013(4) R.C.R. (Civil) 703, the plaintiffs are not entitled to maintain a suit for declaration claiming that they have perfected their title by way of adverse possession. The aforesaid judgement passed by the Hon'ble Supreme Court has been followed by this Court in *Vijay Bhawar and others Vs. Ajaib Singh (deceased) through LR*, 2015(3) PLR 763, wherein it has been held that the plea of acquisition of ownership by way of adverse possession can only be taken as a defence.

For the reasons recorded above, the suit filed by the plaintiffs is found to be not maintainable.

The appeal is dismissed.

(ANIL KSHETARPAL)
JUDGE

09.10.2017
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No