

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

**RSA 1310/2015**

**Date of decision:08.11.2017**

Smt.Shakuntla Devi and another

.....Appellants

v.

Duli Chand and others

.....Respondents

**Coram: Hon'ble Mr.Justice Jaswant Singh**

Present:- Mr.Vinod Khunger,Advocate for appellants/defendants

**Jaswant Singh,J,(Oral).**

Defendants/appellants are in appeal directed against the concurrent judgments and decrees passed by the Courts below whereby suit of the respondent/plaintiff-Duli Chand (since deceased) for mandatory injunction directing the defendants/appellants to vacate the premises,detailed in the head note of the plaint as also to make payment for use and occupation of suit property from 8.7.2006 till handing over vacant possession @ Rs.500/- per month was decreed by the Civil Judge (Junior Division)Ferozepur vide judgment and decree dated 9.6.2011 and findings affirmed by learned Additional District Judge, Ferozepur vide judgment and decree dated 12.9.2014.

Heard learned counsel for the appellants.

Briefly noticed, plaintiff-Duli Chand is brother of defendant no.1-Smt.Shakuntla Devi and maternal uncle(*Mama*) of Surinder Kumar. Defendants were permitted by plaintiff to reside in the suit property (portion of a house) as licensees, purchased by him, in order to look after aged mother of plaintiff and defendant no.1. It was promised that defendants will vacate the suit property as and when their aged mother will be fit. The mother of plaintiff and defendant no.1 died and since after her death, defendants failed to vacate the suit property despite termination of licence

granted to them, the plaintiff filed the said suit.

Upon notice,defendants filed written statement claiming to be owners in possession of the premises in dispute and claimed that their open hostile possession over the premises for more than 12 years had ripened into ownership with the passage of time.

On the pleadings of the parties, issues were framed. Both sides led evidence.

Both the Courts below on the basis of evidence led by the parties have found that plaintiff has proved his ownership of the house in dispute by proving sale deed dated 4.8.1980 registered on 5.8.1980 executed by Anar Devi by examining PW2 Janak Singh,HRC Ferozepur who had brought the relevant record pertaining to registration of the sale deed dated 4.8.1980. The execution of the sale deed dated 4.8.1980 was also unequivocally corroborated by PW3 Mohinder Kumar Sikri by producing register containing the entry of said sale deed. On the other hand, defendants did not lead any evidence to the contrary rather defendant no.2- Surinder Kumar,while appearing as DW1 did not deny in his cross examination that the house in question was purchased by the plaintiff. As regards alleged adverse possession of the defendants over the suit property, the courts below have found that the documents viz electricity bills, ration card produced by defendants were not proved to establish their claim of adverse possession, rather it showed that their possession was permissive and long possession did not constitute adverse possession.

In view of the above, no question of law much less substantial question of law arises for consideration in this appeal.

Dismissed.

08.11.2017  
joshi

(Jaswant Singh)  
Judge

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |