

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

**RSA-1811-2012(O&M)
Date of Order:30.11.2018**

Om Parkash and others

..Appellants

Versus

Ashok Kumar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Sukhmani Patwalia, Advocate, for
Mr. Vikas Singh, Advocate,
for the appellants.

Mr. Kabir Sarin, Advocate,
for the respondents.

ANIL KSHETARPAL, J (Oral)

Plaintiffs-appellants are in the regular second appeal against the concurrent findings of fact arrived at by both the courts below, dismissing a suit for declaration that they have become owners by way of adverse possession.

However, both the courts granted decree of permanent injunction. Learned trial court granted decree for permanent injunction against forcible dispossession, which was not challenged by the defendants in appeal.

Both the parties have held to be co-sharers and therefore, the learned first appellate court has rightly directed the defendants to seek possession by way of partition.

As regards declaration on the basis of adverse possession, Hon'ble Supreme Court has held that such suit is not maintainable. Reference in this regard can be made to a judgment passed by the Hon'ble

Supreme Court in **Gurdwara Sahib vs. Gram Panchayat Village Sirthala**

and another, 2013 (12) JT SC 580. This judgment has further been followed by a Division Bench of this Court in the case of ***Vijay Bhanwar and others vs. Ajaib Singh (deceased) through his LR, 2015 (3) RCR (Civil) 604.***

In view thereof, this court does not find any good ground to interfere with the concurrent findings of fact arrived at by both the courts below.

The regular second appeal is dismissed.

**November 30, 2018
nt**

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No