

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

Sr. No.106

RSA No.10 of 2016 (O&M)
DECIDED ON: October 25, 2018

AMI LAL AND OTEHRS

..APPELLANTS

VERSUS

RAKESH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. S.K. Yadav, Advocate,
for the appellant.

AJAY TEWARI, J. (ORAL)

This appeal has been filed against the concurrent judgments of both the courts below dismissing a suit filed by the appellants for permanent injunction, wherein their claim was that they were owners in possession of the plot in the abadi and further prayed for injunction to restrain the respondents from interfering into their peaceful possession.

The claim of the appellants was that the land come into their possession through one Teju. The case of the respondents on the other hand was that they had been in possession of the land in question for more than 50 years through their predecessors-in-interest. They also took up the plea of adverse possession. Both the courts below held that though appellants

RSA No.10 of 2016 (O&M)

had mentioned that they were successors-in-interest of Teju, yet Teju was there many generations ago and therefore, it was incumbent upon the appellants to have placed on record a pedigree table showing their exact connection with Teju and merely by pleading that they were successors-in-interest of Teju would not advance their case.

The only argument raised by learned counsel for the appellants is that once the respondents had claimed adverse possession, they had accepted ownership.

In my opinion, the argument raised by the learned counsel for the appellants cannot be accepted. The appellants have to stand on their own legs. In the absence of any pedigree table, mere pleading that they were successors-in-interest of Teju would not suffice.

Counsel for the appellants has not been able to persuade me that the findings of fact recorded by the courts below are either based on no evidence or based on such a perverse misreading of evidence so as to justify interference of this Court in second appeal.

Appeal is dismissed. No Costs.

October 25, 2018

Ankur

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No