

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

**RSA-1815-2016 (O&M)
Date of Decision: May 15, 2018**

Paramjit Singh

...Appellant

Versus

The Punjab Wakf Board

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Nakul Sharma, Advocate,
for the appellant.

ARUN PALLI, J. (ORAL)

Suit filed by the respondent was dismissed by the Trial Court, vide judgment and decree, dated 06.09.2014. But as the appeal preferred against the said decree was accepted by the first appellate Court, vide judgment and decree, dated 19.08.2015, and the suit of the respondent had since been decreed, the defendant is in Regular Second Appeal. The parties to the *lis*, hereinafter shall be referred to by their original positions in the suit.

Plaintiff claimed a decree for possession and eviction of the defendant from Wakf property, i.e. agricultural land measuring 8 Kanals 0 Marla, comprised in Rectangle No. 52, Killa No. 12 (8-0), in village Lakhoke Behram, District Ferozepur. In brief, the plaintiff claimed possession on the basis of title, as father of the defendant, namely, Gurdeep Singh, was in illegal and unauthorized possession of the suit property, and thereafter the defendant continued to occupy the same unlawfully.

The defendant did not dispute the ownership/title of the plaintiff

in his written statement. But being in possession of the suit land for about

30 years, he claimed to have perfected his title by way of prescription/adverse possession.

The Trial Court dismissed the suit as the defendant was found to be in possession of the suit property for over 12 years, and had, thus, become owner thereof by way of adverse possession.

On a consideration of the matter in issue and the evidence on record, the first appellate Court concluded that the ownership of the plaintiff over the suit property was never in dispute. As regards the plea of adverse possession, in reference to the provisions of Section 107 of the Waqf Act, 1995, it was concluded, that as the Limitation Act, 1963, would not apply to any suit for possession of immovable property comprised in any waqf or for possession of any interest in such property, the defendant could not claim adverse possession as regards the suit land. On being pointedly asked, learned counsel for the defendant could not refer to anything on record to show if the conclusion arrived at by the first appellate Court was either contrary to the record, or suffered from any material illegality. No other argument was advanced.

No question of law, much less any substantial question of law arises for consideration. The appeal being devoid of merit, is accordingly dismissed.

(ARUN PALLI)
JUDGE

May 15, 2018
P Kapoor

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO