

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

DIWAKER GULATI
2018.09.21 10:49

RSA No. 2050 of 2016 (O&M)

Date of decision: 20.9.2018

Jai Bhagwan

....Appellant

VERSUS

Mahabir and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ashwani Gaur, Advocate for the appellant.

REKHA MITTAL, J.(Oral)

The present appeal directs challenge against concurrent findings recorded by the Courts whereby suit for declaration claiming ownership of suit land on the basis of adverse possession has been dismissed by the Courts.

The Courts have held that plea of ownership on the basis of adverse possession is not available to a plaintiff and the same can be raised only by way of defence. Counsel for the appellant is not in a position to dispute this vital legal aspect involved in the case in view of the settled position in law laid in various judgments by this Court as well as Hon'ble the Supreme Court.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. No order as to costs.

SEPTEMBER 20, 2018

'D. Gulati'

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No