

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

**RSA No. 1187 of 2015 (O&M)
Date of Decision: 24.01.2018**

Teja Singh

....Appellant.

V/S

Sarwan Singh (deceased) through LR's and Anr

....Respondents

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr. Munish Kumar Singla, Advocate,
for the appellant.

RITU BAHRI, J.(Oral)

CM No. 3407-C of 2015

For the reasons mentioned in the application, same is allowed and delay of 14 days in filing the present appeal is condoned.

Accordingly, present application stands disposed of.

Main Case

Learned Counsel for the appellant has come against the judgments of Lower Trial Court dated 08.05.2010 and Lower Appellate Court dated 10.10.2014 whereby suit filed by the appellant for declaration and permanent injunction has been dismissed by both the lower courts below. The plea taken by the appellant in the present case that he had become owner on account of adverse possession could not be taken as a weapon to attack rather the same is only a defence and that too in a situation where the possession is proved on the record to be open, continuous uninterrupted and hostile to the knowledge of the world including the true owner. Diwan Singh (defendant No.2) who purchased the property during

the pendency of the suit has filed another suit i.e. 61 dated 09.03.2015 titled as 'Diwan Singh Versus Tegh Singh' where the present appellant has put in appearance and he has taken the defence of adverse possession.

Keeping in view the above facts Learned counsel for the appellant seeks to withdraw the present appeal.

In view of facts stated above this appeal stands dismissed as withdrawn. The parties may move the application for taking further steps for disposal of other cases.

Dismissed as withdrawn and findings recorded in this suit shall not be barred.

The Court fee be refundable as per rule.

24.01.2018

Riya Grover

(RITU BAHRI)
JUDGE