

RSA No.344 of 2016 (O&M)

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

101

**RSA No.344 of 2016 (O&M)
Date of Decision : 16.08.2018**

Baldev Singh

..... Appellant

Versus

Mangal Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Narinder Singh Dadwal, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing a suit filed by the appellant.

The appellant's claim was that he had become the owner of the land in dispute by way of adverse possession and he sought a declaration to this effect and further injunction restraining the respondents from dispossessing him in due course of law.

The case of the respondents on the other hand was that the suit was not maintainable, the appellant had not become the owner by way of adverse possession and that he had entered forcible possession of the land in 2004 and that they would dispossess him in due process of law.

RSA No.344 of 2016 (O&M)

Both the Courts having dismissed the suit the appellant is before this Court. As regards the finding that the suit was not maintainable no fault can be found with the same. The plea of adverse possession can be used only as a defense and not as a cause of action as has been held in various judgments passed in *Bhim Singh and others Vs. Zile Singh and others 2006 (3) RCR (Civil) 97 (P&H)*, *Dewaki and others Vs. Dayawanti and others RCR (Civil) 2006 (3) 75 (P&H)* and *Bije Singh @ Vijay Singh Vs. Om Pati and others, RSA No.2087 of 2011 decided on 07.08.2012*.

In the circumstances, no fault can be found with the findings of the Courts below on this aspect. As regards the injunction sought by the appellant once it was the respondents own stand that they would dispossess him with due process of law even that had been rendered infructuous.

Appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(**AJAY TEWARI**)
JUDGE

16.08.2018
Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No