

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

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**CM-10061-62-C-2016 in/and
RSA-3888-2016 (O&M)
Date of Decision : 03.10.2018**

Yash Pal

..... Appellant

Versus

Gurdev Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Deepak Verma, Advocate
for Mr. Paramjit Rajput, Advocate
for the applicant-appellant.

AJAY TEWARI, J. (Oral)

CM-10061-62-C-2017

For the reasons recorded, the applications are allowed. Delay of 51 days in refiling and 7 days in filing the appeal is condoned.

RSA-3888-2016

This appeal has been filed against the concurrent judgments of the courts below dismissing a suit filed by the appellant wherein he claimed that he had become the owner of the property in dispute by way of adverse possession. The main legal ground taken by the courts was that the plea of adverse possession is available only to a defendant and not to a plaintiff. In my opinion, there can be no quarrel with this proposition of law.

Counsel for the appellant prays that once the respondents had unequivocally admitted the possession of the appellant, then at least the plea of injunction should have been considered. I find no merit in this

argument also because in para No.6 of the written statement the respondents had specifically stated that they had the right to take possession of the land by filing a suit. In the circumstances, there can be no threat of forcible possession.

Appeal is dismissed. No costs.

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

October 03, 2018
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No