

RSA Nos.2571 & 2715 of 2017 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 06.12.2018

1.

RSA-2571-2017 (O&M)

Manjit Singh and others

... Appellants

Versus

Jagdish Kumar and another

... Respondents

2.

RSA-2715-2017 (O&M)

Manjit Singh and others

... Appellants

Versus

Jagdish Kumar and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Satbir Rathore, Advocate
for the appellants.

AMIT RAWAL, J.

This order of mine shall dispose of two regular second appeals bearing RSA No.2571 of 2017 titled as "Manjit Singh and others V/s Jagdish Kumar and another" and RSA No.2715 of 2017 titled as "Manjit Singh and others V/s Jagdish Kumar and another" filed at the instance of the appellants-defendants against the concurrent findings of fact, whereby the suit of the respondent No.1-plaintiff for declaration with consequential relief of permanent injunction, has been decreed by the trial Court, but the

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lower Appellate Court has decreed the suit in toto.

Learned counsel appearing on behalf of the appellants-defendants submitted that while opposing the suit, aforementioned, the stand of the defendants was that they were in long and settled possession of the suit property, thus, had become owner by way of adverse possession. Even jamabandi did not reflect Killa No.19/2/1/1. No attesting witnesses of the sale deed have been examined, therefore, the plaintiff failed to discharge the onus to claim the possession, in the absence of proof of title.

I am afraid the aforementioned argument is not sustainable as scribe and registration clerk of the sale deed have been examined. The plea of adverse possession tantamounts to admitting the ownership/title of the adverse party i.e. the plaintiff. The defendants have not been able to establish the ingredients of adverse possession i.e. date, year and month, except bald assertion of long and settled possession.

In such circumstances, judgment and decree of the lower Appellate Court decreeing the suit in toto, cannot be faulted with or suffered from any illegality and perversity, much less, no substantial question of law arises for determination.

Resultantly, the appeals are dismissed.

06.12.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

✓

Whether speaking/reasoned **Yes/ No**

✓

Whether Reportable **Yes/ No**