

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106

RSA No.2587 of 2017 (O&M)
Date of Decision : 12.02.2018

Pritam Singh and others

..... Appellants

Versus

Bhola Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Raman Mohinder Sharma, Advocate
for the appellants.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing a suit for declaration and permanent injunction filed by the appellants-plaintiffs.

The claim of the appellants-plaintiffs as set out was that they were legal heirs of Mit Singh and Saun Singh and had been cultivating the suit land since 1965 and had become owners by way of adverse possession. Both the Courts found that the predecessor-in-interest of the appellants i.e. Mit Singh and Saun Singh had filed a civil suit in the year 1963 in respect of the same land in which the plea was that they had become owners of the land by lapse of time since those respondents-defendants did not redeem a mortgage made by them in favour of Mit Singh and Saun Singh. That suit was dismissed by holding that infact those respondents-defendants had redeemed that part of the land of which they were mortgagers and had

Saun Singh and had been put in possession. An appeal filed by Mit Singh and Saun Singh was also dismissed. In these circumstances, both the Courts held that once the persons from whom the appellants-plaintiffs claimed their interest in the property had themselves been held not to be in possession in the year 1965 the claim of the appellants-plaintiffs that they were in exclusive and hostile possession could not stand.

Learned counsel has argued that in the present suit 9 of the 15 respondents-defendants had entered into a compromise with the appellants-plaintiffs and atleast qua the land claimed by them the suit should have been decreed. This argument also can not be accepted. The Courts below have considered this compromise and have held that after the appellants-plaintiffs propounded the compromise, though some of the respondents-defendants came and admitted the same yet the other respondents-defendants filed objections on the ground that the compromise had been obtained by the appellants-plaintiffs by coercion. At that stage the counsel for the appellants-plaintiffs withdrew the claim on the basis of the compromise and requested that the case be tried on merits.

In the circumstances, the argument of the learned counsel in second appeal that that compromise should have been accepted is untenable.

Appeal is dismissed.

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

(AJAY TEWARI)
JUDGE

12.02.2018

Pooja sharma-I

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