

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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RSA-3292-2017 (O&M)
Date of Decision : 24.7.2018

Mohan Singh

....Appellant

vs.

Anil Parkash Kahol

....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Ram Kumar Chauhan, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below decreeing a suit for possession filed by the respondent.

The case of the respondent was that he was the owner of the land in dispute and sought possession from the appellant. The case of the appellant on the other hand was that though the respondent was the owner but he had been in adverse possession for more than 12 years and by way of adverse possession he became owner. In the circumstances, the Courts below held that once the appellant had accepted that the respondent was the owner the onus shifted upon him to prove that he was in adverse possession. The Courts below noticed that in his own statement the appellant had stated that the father of the respondent had put him in possession of the land. The Courts below further noticed that in his statement the appellant had also accepted that the Jamabandi had been incorporated after enquiring from him

and then went on to notice that after enquiring from him the appellant's name had been entered as Gair Marusi and thereafter he could not prove that his possession was ever adverse.

In the circumstances, no fault can be found with the judgments of the Courts below. The appeal stands dismissed.

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

24.7.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No