

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

RSA No.4304 of 2017 (O&M)

Date of Decision:22.10.2018

Lekh Ram and others

...Appellants

Versus

Rohtash and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.J.S. Yadav, Advocate for the appellants.

ANIL KSHETARPAL, J. (ORAL)

CM-11172-C-2017

For the reasons stated in the application, which is duly supported by an affidavit, delay of 48 days in refiling the appeal is condoned.

CM stands disposed of.

Main case

The defendants-appellants are in the regular second appeal against the concurrent findings of fact arrived at by the courts below, dismissing their counter claim for declaring them owners by way of adverse possession.

In a counter claim, the defendants-appellants are plaintiffs. No suit for declaration that the plaintiffs have become owners by way of adverse possession is maintainable in view of the judgment passed by Hon'ble the Supreme Court in **Gurdwara Sahib Vs. Gram Panchayat Village Sirthala and another, 2013 (12) JT SC 580** followed by a Division Bench of this Court in **Vijay Bhawar and others Vs. Ajaib Singh (deceased) through his LR, 2015 (3) RCR (Civil) 604.**

Dismissed.

22.10.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No