

138 RA-RS-101-C-2018 (O&M) in
RSA No.4105 of 2005

DHARAMBIR AND OTHERS VS KARAN SINGH AND OTHERS

Present: Ms. Leela Wati, Advocate for the applicant.

Review of the judgment dated 08.08.2018 passed by this Court has been sought by the applicant. This Court while reversing the judgment of the Courts below, recorded thus:-

“Still further courts have erred in dismissing the suit filed by the plaintiffs. It is not in dispute that the property is a vacant piece of land. Possession of a vacant piece of land always follows title. In the present case, both the courts have found that the plaintiffs are owners pursuant to a civil court decree for partition dated 29.07.1957. Defendants failed to prove that the aforesaid land was either allotted to them or they have perfected their title by way of adverse possession. Merely putting cow dung cakes in a vacant piece of land does not prove exclusive adverse possession.”

Learned counsel for the applicant does not dispute that both the Courts had found that the plaintiffs are owners pursuant to a Civil Court decree for partition dated 29.07.1957. In the present case, the Court has also noticed that the defendants have failed to lead any evidence to prove that the land in question was allotted to them.

Learned Courts below had erred in dismissing the suit on the ground that the relief of possession has not been sought for, which was found to be factually incorrect as the prayer made in the suit has been extracted in the judgment dated 08.08.2018. Still further, a review application is not maintainable by a new counsel.

In view of the above, the present review application is dismissed.

19.09.2018
Pawan

(ANIL KSHETARPAL)
JUDGE