

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

RA-RS No.108 of 2019 (O&M) in
RSA No.837 of 1989
Date of Decision.31.10.2019

Vinod Rani ...Appellant

Vs

Punjab Wakf Board ...Respondent

Present: Mr. Rajwant Singh Chahal, Advocate
for the applicant-appellant.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

Prayer in the application is for review of the judgment dated 29.05.2019 on the premise that the evidence of respondent-plaintiff in the previous judgment could not have any binding effect in the present case. There was no such issue of ownership, as the defendant had become owner by lapse of time.

I am of the view that there is no scope for interference under Section 114 and Order 47 Rule 1 CPC on the premise that it is case of the respondent-plaintiff that the appellant-defendant submitted application dated 26.05.1977 Ex.P4 for taking the land in dispute on lease and as well as recommendation dated 23.07.1977 Ex.P5 of the Rent Collector, Punjab Wakf Board and various other document Ex.P6 and P7, which have not been rebutted through any direct and cogent evidence. Even jamabandi relied upon by the respondent-plaintiff reflected the ownership, thus, appellant-defendant failed to prove ingredients of adverse possession, which in view of the latest judgment of Hon'ble Supreme Court in **Ravinder**

Kaur Grewal and others Vs. Manjit Kaur and others rendered in Civil

Appeal No.7767 of 2014 decided on 07.08.2019 can be used not only as shield but sword also. Mere plea would not suffice the requirement of burden of proof in the absence of any evidence, which is conspicuously wanting in this case.

In view of such circumstances, I do not find any error apparent on the face of record.

Review application is also accompanied by an application for condonation of delay of 33 days. The explanation given is not reasonable and plausible.

Review application is dismissed both on the ground of delay as well as on merit.

**(AMIT RAWAL)
JUDGE**

October 31, 2019
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No