

RSA-2171-2016 (O&M)

103

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

RSA-2171-2016 (O&M)

Date of decision : 06.05.2019

Nachhatar Singh (deceased) through LR's and others

... Appellants

Versus

Jagrup Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Ms. Neeraj Chandel, Advocate for
Mr. Arvind Thakur, Advocate
for the appellants.

AMIT RAWAL, J. (ORAL)

The short point involved in the present regular second appeal is whether, despite the fact that the proceedings of partition amongst the siblings qua estate of Udhay Singh, are pending, can the children of one brother Nachhattar Singh, claim the title in the property by setting up the plea of adverse possession. The answer would be 'No'. It is a settled law that the suit claiming the declaration of having become the owner by way of adverse possession is not permissible, in view of the law laid down by the Hon'ble Supreme Court in "*Gurudwara Sahib V/s Gram Panchayat Village Sirthala and Another*" 2013 (4) RCR (Civil) 703.

Keeping in view the aforementioned facts, I do not find any illegality and perversity in the judgments and decrees, under challenge, much less, no substantial question of law arises for determination. No ground is made out for interference. Accordingly, the second appeal is dismissed.

**(AMIT RAWAL)
JUDGE**

06.05.2019
Yogesh Sharma

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**