

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

-.-

RSA 5384 of 2019 (O&M)
Date of decision: 27.08.2019

Siri Ram

.....*Appellant*

Versus

Partap Singh and another

.....*Respondent*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. B R Gupta, Advocate
for the appellant

None for the respondent

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Rekha Mittal, J. (Oral)

CM 12747 C of 2014

Prayer in this application is for condoning delay of 7 days in
refiling the appeal.

Heard.

In view of averments made in the application supported by an
affidavit and arguments advanced, the application is allowed and delay of 7
days in refiling the appeal stands condoned.

Main case

Challenge in the present appeal has been directed against
judgments and decrees passed by the Courts whereby suit for declaration
with consequential relief of permanent injunction was decreed partly to the
effect that the appellant is not entitled to seek declaration of ownership of
suit land on the basis of adverse possession but his claim for permanent

injunction restraining respondent/defendant No. 1 from interfering in peaceful possession over the suit land was allowed.

The precise question that falls for consideration is '*whether a person claiming adverse possession, can seek declaration qua his title on the basis of adverse possession*'?

Counsel for the appellant, in response to a query, would fairly concede that as per the settled position in law as it exists till date, a person in adverse possession cannot claim declaration of ownership on the basis of adverse possession by filing a suit even though such a plea may be available to him as a defendant. In the given scenario, I do not find an error much less perversity in concurrent findings recorded by the Courts rejecting claim of the appellant in respect of declaration qua ownership of the suit land.

No other point has been raised.

In view of what has been discussed hereinbefore, finding no merit, the appeal fails and is accordingly dismissed.

(Rekha Mittal)
Judge

27.08.2019
Mohan Bimbra

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No