

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

RSA No. 4299 of 2018(O&M)

Date of decision: 4.3.2020

UdaiAppellant

VERSUS

Savitri and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. S.K. Panwar, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

The unsuccessful defendant, Udai son of Tegan, is in appeal to assail concurrent findings recorded by the Courts whereby suit for possession filed by Smt. Savitri claiming to be owner on the basis of Vasika No.10822 dated 20.07.2010 regarding 2/3rd share in land, detailed in para 1 of the plaint, was decreed whereas the counter claim filed by the appellant/defendant claiming to have become owner of the suit property on the basis of adverse possession has been dismissed.

Counsel for the appellant has not made any submissions to assail concurrent findings negating plea of the appellant with regard to his having become owner by way of prescription. The sole submission made by counsel for the appellant is that appeal may be disposed of but liberty may be granted to the appellant to file another suit claiming ownership being occupancy tenant under the Punjab Occupancy Tenants (Vesting of Proprietary Rights) Act, 1952.

I have gone through judgments passed by the Courts but find myself unable to differ with findings of the Courts negating plea of the appellant that he has become owner of the suit property on the basis of adverse possession. That being so, no ground for interference is made out.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine. The appellant may take recourse to appropriate remedy claiming right of occupancy tenancy, if so permissible in law.

MARCH 4, 2020

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no