

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

201

RSA No. 1121 of 1989 (O & M)

Date of decision : 6.8.2022

Harbans Singh

.....Appellant

Vs.

Tehal Singh (died) through LRs and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Bhavyadeep Walia, Advocate, for the appellant

None for the respondents

ANIL KSHETARPAL, J. (Oral)

While assailing the concurrent findings of fact arrived at by the Courts below, the defendant has filed the present appeal. The plaintiffs' suit for grant of decree of possession of agricultural land has been decreed by both the Courts below. The plaintiffs claimed to be the allottees of the suit land from the Government. After the allotment, the revenue official also made an entry in the official record in the year 1968 evidencing allotment in favour of the plaintiffs. The defendant filed a suit in the year 1979 claiming to be the owner in possession of the suit property against the respondents (plaintiffs in the subsequent suit). The Court while dismissing the suit on 12.4.1979 held that the possession of the appellant was not as an owner. It was also held that the defendant is not in possession of the suit land for the last 20 years. Appeal filed by the defendant was dismissed on 2.2.1981. Hence, the plaintiff's subsequent suit for grant of decree of possession has been decreed by both the Courts below.

Learned counsel representing the appellant submits that the

defendant is in continuous, uninterrupted hostile possession of the property in question, for a period more than 12 years, therefore, he has perfected his title by way of adverse possession.

This Court has considered the submissions, however, finds no merit. In an inter party previous suit, the Court has already held that the possession of the appellant is not for the last 20 years. Moreover, the possession of the appellant remained protected because of the pending litigation till 1981. Thereafter, the suit was promptly filed in the year 1984.

Hence, no ground to interfere.

Dismissed.

(ANIL KSHETARPAL)
JUDGE

6.8.2022

Ashwani

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No