IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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RSA No.3529 of 2013 (O&M)
Date of Decision: 27.01.2023

Surjit Singh

....Appellant

Versus

Lakhmir Singh and others

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sanjeev Sharma, Advocate
for the appellant.

Mr. S.S. Brar, Advocate
for respondents No.1 to 4.

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Harsimran Singh Sethi, J. (Oral)

Learned counsel appearing on behalf of the parties submit that the ownership of the land in dispute is not in dispute as the respondent-defandant is concededly the owner of the land in question. The only question which arose was whether the possession of the land in question with the plaintiff, which claim was being raised on the basis of revenue record can only be taken by the owners by following due process of law.

The trial Court recorded a finding that once the revenue record supported the possession of the plaintiff, he can only be dis-possessed in accordance with law whereas the lower Appellate Court found that though the plaintiff is in possession of land but the said possession cannot be treated as valid possession, hence claim raised in the suit cannot be allowed.

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Learned counsel for the respondents submits that after the judgment of the trial Court, even the revenue entry showing the possession of the appellant-plaintiff has already been corrected by the revenue authorities and as of now, the record is in the favour of the respondent-defendant qua the possession as well, for which fact, learned counsel for the appellant pleads ignorance.

Keeping in view the above recorded facts, learned counsel for the parties prays that they do not have objection if the judgment of the Court below dated 22.02.2013 is set aside leaving open to the parties to agitate their respective claim of the possession of the property in question in accordance with law to be agitated before appropriate forum in case need so arise.

Keeping in view the above, as prayed by the learned counsel for the respective parties, the present Regular Second Appeal is allowed and the judgment of the Lower Appellate Court dated 22.02.2013 is set aside with liberty as prayed for.

CM No.9503-C of 2013

Application is also allowed as such.

January 27, 2023 **(HARSIMRAN SINGH SETHI)**
jt **JUDGE**

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No

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