

RSA-2507-1991 (O&M)

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA-2507-1991 (O&M)
Date of Decision: 02nd April, 2024

Harbansi Devi and Others

... Appellants

V/s.

Bhagat Ram (since deceased) through LRs

... Respondents

CORAM: HON’BLE MR. JUSTICE ANIL KSHETARPAL

Present : Mr. I.P. Singh, Advocate
for the appellants.

None for the respondent.

ANIL KSHETARPAL, J.(Oral)

1. This is defendant's regular second appeal against the concurrent findings of fact arrived at by the Courts below while decreeing the plaintiff's suit for the grant of decree of permanent injunction. However, in the alternative, he claimed decree for possession.
2. Both the Courts have found that the plaintiff being the owner is entitled to possession.
3. The defendants claimed that they are in possession of the property from the time of their ancestors. However, both the Courts have found that the defendants have failed to prove that fact. During the pendency of the suit, defendants filed an application for permission to amend the written statement in order to take a plea of adverse possession, which was dismissed.

RSA-2507-1991 (O&M)

-2-

4. Heard the learned counsel representing the appellants at length and with his able assistance perused the paper book.
5. Learned counsel representing the appellants submits that the plaintiff's suit was filed beyond the prescribed time as it was required to be filed within a period of three years.
6. This Court has considered the submissions of the learned counsel representing the appellants. The plaintiff has prayed for an alternative relief of possession. He is proved to be the owner of the suit property. Article 65 of the Schedule attached to the Limitation Act, would govern the suit. As per Column No. 3 of Article 65, the period of limitation is 12 years which will begin to run from the date when the possession of the defendants becomes adverse to the plaintiff but in this case, the defendants have failed to prove their adverse possession. Hence, no ground to interfere.
7. Dismissed.
8. All the pending application(s), if any, are also disposed of.

02nd April, 2024

(ANIL KSHETARPAL)

Seema

JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No