



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

137

RSA-2614-2025 (O&M)
Date of Decision: 25.09.2025

Ajmer

...Appellant

V/s

Ram Sarup

...Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Shailender Singh Gill, Advocate, for the appellant.

VIKRAM AGGARWAL, J

CM-9047-C-2025

Prayer in the present application preferred under Section 5 of the Limitation Act, 1963 read with Section 151 CPC is for condonation of delay of 130 days in filing the appeal.

Learned counsel for the applicant-appellant submits that the applicant-appellant, being a rustic villager, came to know about the judgment and decree dated 28.11.2024 passed by the Court of District Judge, Jind only when he came to know about the pendency of the execution proceedings in July 2025. Thereafter, he engaged a counsel and filed the instant appeal but by the said time, a delay of 130 days has occurred. He submits that the delay was unintentional and that the same be condoned.

For the reasons mentioned in the application and keeping in view the submissions made by learned counsel for the applicant-appellant, the same is allowed. The delay of 130 days in filing the appeal is condoned.

RSA-2614-2025 (O&M)

This is defendant's appeal against the judgment and decree dated 28.11.2024 passed by the Court of District Judge, Jind, vide which the appeal filed by the plaintiff against the judgment and decree dated 21.05.2019 passed



by the Court of Civil Judge, (Sr. Divn.), Narwana, dismissing the suit filed by him for possession was allowed, thereby decreeing the suit.

2. For the sake of convenience and clarity, parties shall be referred to as per their original status.

3. The plaintiff (Ram Sarup) instituted a suit for possession of land measuring 2 *kanals* 12 *marlas* (fully described in the plaint), situated within the revenue estate of Village Chhattar, Tehsil Narwana, District Jind (hereinafter referred to as the “suit land”), which as per the plaintiff, was in unauthorized occupation of the defendant (Ajmer).

3.1 It was averred that the plaintiff was a co-owner of the suit land as per *Jamabandi* for the year 2011-12. In November 2016, defendant (Ajmer) unauthorisedly occupied the suit land by sowing wheat crop. Despite repeated requests, he did not vacate the same. Demarcation was conducted by the Field Kanungo, Uchana on 07.12.2016 wherein, the defendant was found to be in unauthorized possession.

3.2 It was averred that the defendant was earning income from the suit land by sowing crops as a result of which, the plaintiff was entitled to liquidated compensation.

4. The suit was opposed by the defendant. In the written statement, it was denied that the defendant was in unauthorized possession. Demarcation having been taken place was also denied. It was stated that no notice of any demarcation had been given to the defendant. In paragraph 4, it was averred that defendant was not in possession of the suit land. Additional submissions were made, stating that the plaintiff had no concern with the suit land and he had never cultivated the same. It was averred that from the very beginning the defendant was in cultivating possession of the suit land openly and



continuously without paying any rent and had, therefore, become owner by way of adverse possession.

5. From the pleadings of the parties, following issues were framed.

“1. Whether the plaintiff is entitled for possession of the disputed property on the ground as alleged?OPP

2. Whether the suit of the plaintiff is not maintainable in the present form?OPD

3. Whether the plaintiff has no locus standi and cause of action to file the present form?OPD

4. Relief.”

6. Parties led their respective evidence.

6.1 The trial Court dismissed the suit for possession. However, the appeal filed by the plaintiff against the said judgment and decree was allowed by the first appellate Court, thereby decreeing the suit, leading to filing of the instant appeal by the defendant.

7. I have heard learned counsel for the appellant.

8. Learned counsel for the appellant has submitted that the first appellate Court erred in reversing the well reasoned judgment passed by the trial Court. He submits that no demarcation was conducted in the presence of the appellant. He further submits that it had been proved that the appellant was in possession of the suit land for a long time and had, therefore, become its owner by way of adverse possession. Learned counsel submits that the first appellate Court erred in holding that the appellant had failed to prove that he had become owner of the suit land by way of adverse possession.

9. I have considered the submissions made by learned counsel for the appellant but find the same to be devoid of merit.

9.1 The only revenue record that was produced on record was *Jamabandi* for the year 2011-12 as per which, the plaintiff was owner and was in possession of the suit land. Apart from this, no other revenue record was



produced to prove the possession of the defendant. If the defendant had been in long possession, he should have produced the revenue record to prove the same. Further, the demarcation report (Ex.P1) shows that notice of the demarcation had been given to all concerned. Despite that, if the defendant did not appear, nobody is to be blamed. The defendant was found to be in unauthorized possession of the suit land in the said demarcation report.

9.2 Be that as it may, the first appellate Court rightly observed that in the written statement, the defendant had at one place denied that he was in possession and at another place, he denied that he was in unauthorized possession and he also took a plea that he had become owner of the suit land by way of adverse possession. To prove the plea of adverse possession, he had to prove that he had been in long, open, continuous and hostile possession. No evidence worth its name was produced to prove the same. The first appellate Court, therefore, rightly allowed the appeal and decreed the suit for possession. Learned counsel has not been able to point any infirmity or illegality, whatsoever, in the findings recorded by the first appellate Court.

10. In view of the aforesaid facts and circumstances, the appeal is found to be bereft of merit, and is accordingly dismissed.

Pending application(s), if any, shall also stands disposed of.

(VIKRAM AGGARWAL)
JUDGE

September 25, 2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No