



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(138)

RSA-1392-2026 (O&M)

Date of Decision:28.04.2026

Bhupinder Singh

... Appellant

Versus

Manjit Kaur

... Respondent

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Harjot Singh Bedi, Advocate
for the appellant.

Ms. R.K. Shukla, Advocate
for the caveator/respondent.

VIRINDER AGGARWAL, J. (Oral)

1. The present Regular Second Appeal (hereinafter referred to as “RSA”) has been preferred by the appellant–defendant assailing the judgment and decree dated 16.01.2026 passed by the learned Additional District Judge, Fatehgarh Sahib, whereby the findings recorded by the learned Trial Court were affirmed in toto. The learned Civil Judge (Junior Division), Fatehgarh Sahib, vide judgment and decree dated 29.07.2023, had decreed the suit instituted by the respondent–plaintiff seeking relief of possession along with permanent injunction. Aggrieved thereby, the appellant has invoked the jurisdiction of this Court, contending that the concurrent findings returned by both the Courts below are vitiated by patent illegality, perversity, and misappreciation of the evidence on record.



2. The succinct facts, as pleaded by the plaintiff, are that the house in dispute was originally purchased by Baldev Singh s/o Mohinder Singh, a close relative of Sahib Singh (husband of the plaintiff), vide registered sale deed No. 2173 dated 15.10.1997 from Dinesh Kumar s/o Sewa Ram. Thereafter, Baldev Singh permitted Sahib Singh to occupy the said premises, pursuant whereunto Sahib Singh resided therein and established his household. Subsequently, out of fraternal consideration, Sahib Singh allowed the defendant to occupy the first floor for residential purposes.

2.1. It is further averred that Sahib Singh, a retired Punjab Police official (retired on 31.10.2014), acquired certain movable and immovable assets, including a scooter and a shop. Upon his demise on 16.05.2019, and prior thereto, Baldev Singh had transferred the suit property in favour of the plaintiff vide sale deed dated 26.08.2015. Despite repeated demands, the defendant failed to vacate the premises, unlawfully extended his possession to the entire house, and withheld both the scooter and, initially, the shop. Although the shop was later restored pursuant to criminal proceedings, the defendant continues in illegal occupation of the house and retains the scooter, accompanied by threats of damage and unlawful alienation, thereby necessitating the institution of the present suit.

3. Upon due service of summons, the respondents entered appearance through learned counsel and contested the proceedings. Per contra, the defendant, in the written statement, sets up a plea of hostile title predicated on adverse possession, asserting continuous, open, and



uninterrupted occupation of the suit property for a period exceeding twelve years. It is categorically denied that Sahib Singh ever resided in, or was in possession of, the property in dispute, or that any household articles therein belonged to him. The defendant further impugns the validity of the sale deed dated 26.08.2015, alleging the same to be a sham and collusive transaction, contending that possession was never delivered to the plaintiff and that he continues to remain in settled possession of the premises. All other averments contained in the plaint have been specifically traversed, and dismissal of the suit has been prayed for.

4. Upon a meticulous examination of the pleadings on record and a judicious consideration of the rival submissions advanced by the parties, Court deemed it expedient to delineate and crystallize the real questions in controversy. Accordingly, for the purpose of a structured and legally sound adjudication, the following issues were framed for determination:-

1. Whether the plaintiff is owner of the suit house? OPP.
2. Whether plaintiff is owner of the Aactiva Scooter bearing R.C No. PB-23-R-5510? OPP
3. Whether the defendant is adverse possession of the suit property? OPD.
4. Relief

5. Both parties were afforded adequate and fair opportunity to lead evidence in support of their respective pleadings following the framing of issues. Upon a comprehensive appraisal of the entire evidentiary material on record, the learned Trial Court proceeded to decree



the suit in favour of the respondent–plaintiff, inter alia, observing as follows:-

“In light of the findings recorded on the issues hereinabove, the suit instituted by the plaintiff is partly decreed with costs. The plaintiff is held entitled to recovery of possession of the house in dispute, as delineated in the headnote of the plaint. Further, the defendant, along with his agents, servants, or any person acting on his behalf, is hereby permanently restrained from causing any damage to, or dismantling, the said property.”

5.1. The appeal preferred by the appellant–defendant was, however, dismissed by the learned First Appellate Court, which, upon reappraisal of the record, recorded the following observations:-

“Upon a comprehensive reappraisal of the matter and for the reasons recorded hereinabove, this Court finds no infirmity or illegality in the judgment and decree passed by the learned Trial Court, whereby the suit of the plaintiff was partly decreed for possession of the house in dispute. The impugned judgment and decree are accordingly affirmed. Consequently, the appeal, being devoid of merit, stands dismissed.”

6. Aggrieved by the impugned judgment and decree, the appellant has preferred the present appeal assailing the concurrent findings recorded by the learned Courts below. Respondent put up appearance by filing a caveat through counsel and contested the proceedings.

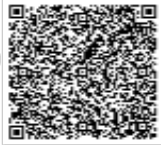
7. I have heard learned counsel for the parties at considerable length and have accorded anxious, careful, and judicious consideration to their respective submissions, in the backdrop of the pleadings on record,



the evidence adduced by the parties, and the concurrent findings returned by the Courts below.

8. Both the learned Courts below have concurrently and correctly held that mere long or continuous possession, howsoever protracted, does not *ipso facto* mature into ownership by way of adverse possession. It has been rightly observed that a plea of adverse possession must be founded upon clear, cogent, and unequivocal pleadings, specifying the precise point of time namely the date, month, and year when possession became hostile to the true owner, coupled with proof of the manner in which such possession was asserted to the knowledge of the rightful owner. In the absence of such foundational facts, the plea remains legally untenable. The Courts have further correctly reiterated the settled principle that a person invoking adverse possession does not approach the Court with equity in his favour and, therefore, bears a heavy burden to strictly establish all ingredients necessary to sustain such a claim.

8.1. The mere fact that the appellant–defendant was in possession of the suit property prior to the execution of the sale deed in favour of the respondent–plaintiff cannot, by any stretch of legal reasoning, be construed as sufficient to perfect title by adverse possession. The learned First Appellate Court has, thus, rightly concluded that the appellant–defendant, having failed to establish any lawful or prescriptive title over the suit property, lacks the locus to impugn the validity of the sale deed or to characterize the same as a sham or collusive transaction. Significantly, there is no material on record to demonstrate that the appellant–defendant



ever asserted a hostile or adverse title against Baldev Singh, the erstwhile registered owner, during his lifetime.

8.2. Even during the course of arguments before this Court, a specific query was put to the learned counsel for the appellant–defendant to indicate any evidence reflecting an overt and hostile assertion of title against the true owner during the relevant period. However, the learned counsel was unable to draw attention to any such evidence on record, thereby further reinforcing the untenability of the plea of adverse possession.

9. In view of the aforesaid cogent, well-reasoned, and legally sustainable findings recorded concurrently by both the Courts below, no ground is made out warranting interference in exercise of appellate jurisdiction. The appeal, being devoid of merit, is accordingly **dismissed**.

10. In view of the final adjudication of the principal controversy, all pending miscellaneous or interlocutory applications, if any, arising out of or connected with the present proceedings, shall stand disposed of by necessary implication. No separate or further orders are warranted in respect thereof.

28.04.2026
Gaurav Sorot

(**VIRINDER AGGARWAL**)
JUDGE

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