

RSA No. 571 of 2016

11.05.2017

Present: Mr.Y.P. Sood, Advocate for the appellant.

Mr. J.L. Bhardwaj, Advocate for the respondents.

Heard. Admitted on the following substantial questions of law:

1. Whether the suit for possession based on title could be held to be not maintainable for the reasons that the revenue authority failed to put the plaintiff in possession of the land allotted in partition and the findings thus recorded are vitiated?
2. Whether the jurisdiction of the Civil Court could be said to be barred especially when the decree of possession on the basis of title was claimed which relief could only be granted by civil Court and the findings thus recorded are vitiated?
3. Whether the suit for possession based on title could be dismissed in the absence of proof of either better title or adverse possession by the defendants?

CMP No. 10740 of 2016

Heard. In the interim, the parties have already been directed to maintain status quo nature and possession of the suit land as was existing on the spot on the previous date i.e. 4.1.2017. The appeal stands admitted for final hearing. In the interest of justice, it is deemed appropriate that interim order is

made absolute for the reason that irreparable loss and injury is likely to be caused to the appellant-plaintiff in case the respondents-defendants change the nature of the suit land, alienate, encumber or dispose of the same during the pendency of the appeal. Accordingly the application is allowed and the interim order passed in this application is made absolute. The application stands disposed of.

(Dharam Chand Chaudhary)
Judge

May 11, 2017
(naveen)

