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C.A.No. 2665 OF 1999  
ITEM No. 104  
Court No. 3  
SECTION XI

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 2665 OF 1999

O.P. SHARMA & ORS.  
.....  
APPELLANT (S)

VERSUS

KRISHNA KR. JAIN (DEAD) BY LRS. & ORS.  
.....  
RESPONDENT (S)  
(With office report)

Date : 16/03/2004  
This/These Appeal(s) was/were mentioned today.

CORAM :  
HON'BLE MR. JUSTICE R.C. LAHOTI  
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Appellant (s)Mr. Rakesh K. Khanna, Adv.  
Ms. Rashmi Khanna, Adv.  
Mr. Shashank Shekhar, Adv.  
Mr. Surya Kant, Adv.

For Respondent (s)Mr. Pradeep Misra, Adv.

UPON hearing counsel, the Court made the following  
O R D E R  
The appeal is dismissed in terms of the signed order.

KALYANI  
(RADHA R. BHATIA)  
COURT MASTER

(SIGNED ORDER IS PLACED ON THE FILE.)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 2665 OF 1999

O.P. SHARMA & ORS.  
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APPELLANT (S)

VERSUS

KRISHNA KR. JAIN (DEAD) BY LRS. & ORS.  
.....  
RESPONDENT (S)

O R D E R

A suit for recovery of possession based on title has been directed to be dismissed by the trial court on the finding that the possession of the defendant was adverse and had perfected into title. The finding has been upheld in first appeal and also by the High Court. Though the learned counsel for the appellant tried hard to make out the case that the possession of the defendant had originated as permissive possession and unless and until it was shown and proved by reference to a particular point of time that the defendant had commenced prescribing hostile title the plea of adverse possession could not have been held to be substantiated. Nothing has been brought on record to show how and in what manner the finding arrived at by the High Court and the two courts below can be found fault with. Merely by reading the judgment of the High Court if it had not been possible to form a different opinion, we are not inclined to interfere with the judgment of the High Court which is a concurrent finding of fact arrived at by the two courts below. The appeal is devoid of any merit and is, therefore, dismissed.

.....J  
(R.C. LAHOTI)

.....J  
(Dr. AR. LAKSHMANAN)

NEW DELHI;  
MARCH 18, 2004.