

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 7883 OF 2012

MANJU SINGH

Appellant(s)

VERSUS

SHANTI DEVI & ORS.

Respondent(s)

O R D E R

The appellant-defendant in the present appeal is aggrieved by the impugned Judgment dated 14.11.2011 passed by the High Court of Jharkhand, whereby the decree of possession of the first Appellate Court dated 09.08.2007 was not interfered with.

The argument of the Learned Counsel for the appellant is that though the first Appellate Court has proceeded to decide the appeal as if the plaintiff had amended the suit in first appeal, but the application for amendment of the suit is not available on record.

The learned counsel for the respondent-plaintiff has produced a certified copy of the order dated 23.03.1998 allowing the application for amendment with costs of Rs.200/-. The plaintiff has also produced a document of proof of payment of costs.

Therefore, we find that the entire basis of the argument raised by the appellant that no application was filed, is factually incorrect. The appellant has raised a plea of adverse possession without admitting

the plaintiff to be the owner of the suit property.

In view thereof, we do not find any merit in the present appeal. The same is, accordingly, dismissed.

The appellant is granted time till 31st of March, 2022 to vacate the premises in question. In case the appellant does not vacate the premises on or before 31st of March, 2022, he shall be liable to pay Rs.20,00,000/- (Rupees Twenty Lakhs) as compensation for use and occupation of the premises, apart from facing contempt proceedings if the premises is not vacated within the stipulated time.

Pending interlocutory application(s), if any, is/are disposed of.

.....J.
[HEMANT GUPTA]

.....J.
[V. RAMASUBRAMANIAN]

New Delhi;
NOVEMBER 30, 2021.

ITEM NO.101

COURT NO.11

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 7883/2012

MANJU SINGH

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VERSUS

SHANTI DEVI & ORS.

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Date : 30-11-2021 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIANFor Appellant(s) Mr. Vijay Hansaria, Sr. Adv.
Mr. Manish Kumar, Adv.
Ms. Kavya Jhavar, Adv.
Mr. Chandra Prakash, AORFor Respondent(s) Mr. Rahul Gupta, Adv.
Ms. Rachitta Rai, AOR
Mr. Avijit Patnaik, Adv.
Mr. Shova Mohapatra, Adv.
(Appearance slip not legible)Mr. S. K. Verma, AOR
Mr. Hitendra Nath Rath, AORUPON hearing the counsel the Court made the following
O R D E R

The Civil Appeal is dismissed in terms of the signed order.

Pending interlocutory application(s), if any, is/are disposed
of.(JAYANT KUMAR ARORA)
COURT MASTER(RENU BALA GAMBHIR)
COURT MASTER

(Signed order is placed on the file)