

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. 9343/2010**

**RAJ KISHORE PRASAD(D) THR. LRS**

**Appellant(s)**

**VERSUS**

**ARUN SINGH & ORS.**

**Respondent(s)**

**O R D E R**

This appeal arises out of the decision of the High Court in Second Appeal No.298 of 1995 dated 04.08.2008.

The litigation in fact, commenced immediately after the appellant(s) herein purchased the mortgaged suit property under a Sale Deed dated 25.06.1961. As the defendants were in possession of the property, appellant(s) filed a suit for redemption of mortgage which came to be dismissed by the Trial, Appellate as well as the Second Appellate Courts concurrently.

After the dismissal of the suit for redemption of mortgage, it became necessary for the appellant(s) to

institute the present proceedings for title and possession of the suit property. Accordingly, the appellant(s) filed a suit for title and possession on 07.05.1980, thus, the Second stretched the litigation commenced. The Trial Court considered the suit and dismissed the same on 31.08.1990 on two grounds being; that the defendant perfected his title by adverse possession and that the suit is barred by limitation. The findings were upheld by the First Appellate Court and eventually the High Court by the order impugned herein dismissed the Second Appeal.

We have heard Mr. Manoj Prasad, learned Senior Counsel appearing for the appellant(s). Learned counsel has given us a list of dates and events indicating that the decision of the High Court was not correct in the facts and circumstances of the case.

Having gone through the matter, we are of the opinion that this appeal does not involve any substantial question of law of general public importance compelling us to exercise our jurisdiction under Article 136 of the Constitution of India.

Having considered the matter that there is no substance in the appeal, the Civil Appeal is dismissed.

However, in the facts and circumstances of the case, the parties shall bear their own costs.

.....J.  
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.  
[ARAVIND KUMAR]

New Delhi  
January 18, 2024.

ITEM NO.104

COURT NO.15

SECTION XVI

**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(s). 9343/2010

RAJ KISHORE PRASAD(D) THR. LRS

Appellant(s)

VERSUS

ARUN SINGH &amp; ORS.

Respondent(s)

(IA No. 165051/2023 - APPLICATION FOR SETTING ASIDE THE ORDER  
IA No. 165060/2023 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 116483/2021 - CLARIFICATION/DIRECTION  
IA No. 31771/2020 - MODIFICATION)

Date : 18-01-2024 This petition was called on for hearing today.  
CORAM :

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA  
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Appellant(s) Mr. Manoj Prasad, Sr. Adv.  
Mr. T. N. Singh, AOR  
Mr. Vikas Kumar Singh, Adv.  
Ms. Rajshree Singh, Adv.  
Dr. Sham Chand, Adv.  
Mr. Ashutosh Dubey, Adv.

For Respondent(s) Mr. Smarhar Singh, AOR  
Ms. Shweta Kumari, Adv.  
Mr. Jai Krishna Singh, Adv.  
Mr. Chandra Pratap, Adv.  
Mr. Manoj Kumar, Adv.

Mr. T. Mahipal, AOR

Dr. J. P. Dhanda, AOR  
Mrs. Raj Rani Dhanda, Adv.

UPON 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 applications, if any, shall stand disposed of.

(INDU MARWAH)  
COURT MASTER (SH)

(NIDHI WASON)  
COURT MASTER (NSH)

(signed order is placed on the file)