



RA-RS-20-2020 in  
RSA-5550-2019

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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

RA-RS-20-2020 in  
RSA-5550-2019  
Reserved on: 12.08.2025  
Date of Decision: 08.09.2025

MAMTA

....Appellant

Versus

SHRI JAINENDRA GURUKUL PANCHKULA

.....Respondent

**CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Applicant-appellant in person.

Mr. Mayank Vashishth, Advocate for  
Mr. Aadarsh Jain, Advocate  
for the respondent.

**Parmod Goyal, J.**

Unsuccessful appellant/defendant has preferred present Review  
Petition, seeking review of judgment dated 13.12.2019, vide which Regular  
Second Appeal No.550 of 2019 preferred by appellant/defendant was  
dismissed.

2 Applicant has sought review of judgment dated 13.12.2019, on  
the following grounds :-

(i) It is asserted that there is apparent error on the face of record as  
Court had not considered all the pleas raised in appeal. It was asserted that  
High Court vide order dated 13.12.2019 has failed to take note of fact that  
applicant was living in premises on or before 1989 and even in criminal trial  
and FIR, possession of applicant is established before 2001 and therefore,



suit for eviction filed in 2011 was clearly barred by limitation and this legal issue was not considered while passing judgment dated 13.12.2019; and

(ii) That the High Court had not considered, that when applicant was in possession since 1989 or before 2001, therefore, cause of action could not have arisen in 2008 and that in earlier proceedings between the parties, respondent had not filed counter-claim and suit preferred by respondent was barred by Rule 6A, Rule 9 of Order 8 CPC.

3. It is asserted that all the legal points raised on behalf of applicant were not considered while passing the judgment dated 13.09.2019 and, therefore, same is liable to be reviewed.

4. Applicant seeking review of judgment dated 13.09.2019 was appellant/defendant in Regular Second Appeal, whereby appellant/defendant had challenged judgment and decree dated 31.05.2017, passed by learned Civil Judge (Junior Division), Panchkula and judgment and decree dated 12.04.2019, passed by learned Additional District Judge, Panchkula, decreeing the suit for possession by respondent/plaintiff and dismissing the First Appeal by defendant/appellant.

5. Respondent/plaintiff had claimed itself to be owner of suit land and claimed that the same was encroached upon by defendant in 2008 and has raised unauthorized construction over the suit land. Plaintiff accordingly claimed possession of suit land along with mesne profit for use and unauthorized occupation of suit property w.e.f. 01.04.2008, till delivery of possession of suit property.

6. Defendant/appellant had contested the said suit on the ground



that suit is not instituted by an authorized person. It was asserted that in 1998-1999, land was acquired by State of Haryana and an award was passed, wherein name of appellant/defendant was noted as occupant of property in dispute. The respondent/plaintiff authorities had lodged FIR against defendant/appellant, alleging trespass, however, in the said case defendant/appellant was acquitted. Defendant/appellant claimed that she had constructed house over said land after spending lacs of rupees and therefore, she is not an unauthorized occupant. It is worth noticing that vide judgment dated 13.12.2019, this Court had duly noticed that witness of plaintiff had duly admitted previous litigation between plaintiff i.e. Shri Jainendra Gurukul and present applicant.

7. The suit preferred by present applicant/defendant seeking electricity connection over disputed property was dismissed vide judgment and decree dated 01.08.2014, holding respondent/Shri Jainendra Gurukul to be owner of disputed land. Against the said judgment, plaintiff had preferred an appeal which was also dismissed vide judgment and decree dated 04.03.2015. It was duly noticed by this Court that respondent/plaintiff has failed to state, who owns the property or how she came into its possession. It is not the case of defendant/appellant that she was inducted as tenant by any landlord or that she purchased the suit property. She has claimed long possession over the suit property. This Court has specifically noticed that this long possession neither was legalized nor was proved to have been turned adverse possession.

8. This Court has further duly noticed the fact of acquittal against



applicant/defendant lodged by respondent/plaintiff alleging trespass vide judgment dated 06.10.2007 (Annexure A-17). The Courts below as well as this Court has duly noticed that acquittal in criminal trial would not establish her legal possession over the suit property.

9. On consideration of evidence, this Court vide judgment dated 13.12.2019 had found ownership of land to be in the name of respondent/plaintiff and finding no merit in the appeal. Second appeal preferred by applicant was also dismissed.

10. In the present case, all the three Courts i.e. Court of first instance, First Appellate Court and this Court had duly noticed and rejected the claim of defendant-appellant over the suit land only on the basis of long possession. Mere long possession, which had not matured in ownership right or had not been regularized by the original owner will not give any right in favour of applicant/defendant. It is worth noticing that defendant/appellant had never claimed adverse possession over the suit land. She is just wanting to defend her possession on the basis of her alleged long possession and the fact that she had made improvement over the land. When the possession of a person has not matured in ownership or in statutory tenancy, in that case, such possession is bound to revert to the rightful owner, if same is sought by the owner, as was done in the present case. Moreover, there is no evidence as to how old is possession of appellant/applicant. Therefore, in the present case no issue of limitation arose and therefore, there is no apparent error on the face of record as to review judgment dated 13.12.2019.

11. None of the three Courts noted above raised question in review



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to be material for the decision of the present case and it seems to be an afterthought only to delay handing over of possession in the garb of review. It is worth noticing that after dismissal of her appeal by First Appellate Court similar tactics were deployed by the applicant/defendant and a review of judgment and decree dated 12.04.2019 was sought which was dismissed by the First Appellate Court also.

12. Review application is without any merit, hence dismissed.

**08.09.2025**  
chiranjeev

**(PARMOD GOYAL)**  
**JUDGE**

Whether Speaking/Reasoned : Yes/No  
Whether Reportable : Yes/No