

Maha Singh Vs. Vidya Devi and ors.

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Court : Punjab and Haryana

Decided On : Nov-13-1997

Reported in : (1998)119PLR605

Judge : V.K. Bali, J.

Acts : [Specific Relief Act, 1963](#) - Sections 6; [Punjab Security of Land Tenures Act, 1953](#) - Sections 8

Appeal No. : Regular Second Appeal No. 3222 of 1997

Appellant : Maha Singh

Respondent : Vidya Devi and ors.

Advocate for Pet/Ap. : L.D. Verma, Adv.

Disposition : Appeal dismissed

Judgement :

V.K. Bali, J.

1. Learned trial Court decreed the suit of the plaintiff respondents. In an appeal, preferred by the appellant herein, judgment and decree passed by the learned trial Court, was confirmed. The defendant is in second appeal.

2. The case as set up by the plaintiffs was that Rati Ram their father, was tenant over the suit property and after his death they became tenants by virtue of the provisions contained in Section 8 of the Punjab Security of Land Tenures Act. However, by stealthily getting the revenue records changed, the appellant forcibly evicted them from the suit land. It was so pleaded in the plaint that their father was a tenant and after his demise, they were the tenants under Section 8 of the Punjab Security of Land Tenures Act. The suit was based primarily on the cause of wrongful dispossession and concededly, the suit was filed within six months from the date plaintiffs were dispossessed. The learned appellate Court has specifically mentioned in para 2 of the judgment that the plaintiffs had claimed possession of the land in dispute as they had been dispossessed without any order of competent Court and were entitled to get possession under Section 6 of the Specific Relief Act.

3. At this stage, without joining any issue with regard to claim of the plaintiffs that they were entitled to continue as tenants after the demise of their father, the only contention that has been raised by Mr. Verma, learned counsel for the appellant is that the Civil Court had no jurisdiction to entertain and try the suit and, therefore, the judgment and decree passed by the learned trial Court, which was confirmed by the learned first appellate Court, is liable to be reversed. For his aforesaid contention, learned counsel relies upon *Bhag Singh v. Jawahar Singh*, 1965 P.L.J. 38, *Jai Narain v. Sarup Singh and Ors.*, 1974 P.L.J. 205 and *Baba Nand Ram v. Gram Panchayat*, 1976 P.L.J. 586.

4. The judgments relied upon by learned counsel for the appellant might support his contention when the suit is filed by a tenant who has been dispossessed. If, therefore, the cause of action is that the tenant has been dispossessed, decisions, referred to above, might apply but, as mentioned above, the cause of action herein was primarily based upon possession and dispossession thereof within six months. The suit was filed under Section 6 of the Specific Relief Act, as is clearly mentioned in para 2 of the judgment rendered by the learned first appellate Court. In a suit filed under Section 6 of the Specific Relief Act, a plaintiff may not stake any claim with regard to right, title or interest whatsoever. He has simply to prove that he was in possession and had been dispossessed within six months from the

date the suit was filed. The judgments, as referred to above, did not deal with the situation of the kind that is in hand in this case. That, an ejected tenant could base his claim on the basis of possession alone and, thus, maintain a suit under Section 6 of the Specific Relief Act, was not even remotely discussed. There is, thus, no merit in the sole contention raised by learned counsel for the appellant. Appeal to stand dismissed in limine.

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