



applicants in which the applicants have claimed to be in possession in his own right and also challenged locus standi / title of the applicants before the Rent Controller. Learned Rent Controller dismissed the rent application. The Respondents preferred an appeal before High Court against the judgment of the Rent Controller and in the High Court Appeal the title of the respondent was found legitimate. And it was clarified that respondent has right about the same properties. However, he was directed to file a suit for recovery of possession. Therefore, the respondent filed suit for recovery of possession in the said suit for recovery of possession the respondent relied on the documents before High Court and other documents in this context and applicants only plea was that he is holding the possession of the property in dispute in his own right as well as having adverse position against the respondent. After hearing the parties following issues were framed in that case.

- i. Whether this suit is barred by any law?
- ii. Whether this suit is beyond the pecuniary jurisdiction of this court?
- iii. Whether the Plaintiff is the legal owner of the suit premises?
- iv. Whether the Defendants are the legal owners of the suit premises?
- v. Whether the Defendants are raising any construction and making any addition or alteration without due course of law in the suit premises?
- vi. Whether the Plaintiff is entitled for permanent injunction as prayed?
- vii. What should the decree be?

After recording evidence witness appeared, trial court decreed the suit on merits. The respondents filed an appeal, which was dismissed, then present revision applications were filed and by a comprehensive order it was allowed and the case was remanded to trial court. Respondents preferred appeal in Hon'ble Supreme Court against the remand and the Hon'ble Supreme Court by order dated **17.7.2014** set aside the order of remand and directed to decide these revision afresh on merits. This order was passed by consent meaning thereby the parties have agreed that this order to the extent of remand was set aside and this court is to decide revision on merits by itself.

JUDGE

*SM*