2026 INSC 983

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1718 OF 2016

BHAG SINGH (D) THR. MAHANT KASHMIR SINGH ...APPELLANT(S)

VERSUS

BASANT KAUR (D) THR. LRS. AND OTHERS ...RESPONDENT(S)

J U D G M E N T

PRASHANT KUMAR MISHRA, J.

1. Applications seeking substitution of legal representatives of deceased respondent nos.1, 2 and 5 are allowed, subject to all just exception after condoning the delay and setting aside abatement in filing the substitution applications.

2. The present Appeal arises out of a dispute relating to the title and possession of agricultural land measuring 4 Kanals 18 Marlas, situated within the revenue estate of Muktsar, Punjab. The competing claims of the parties trace their origin to a registered sale deed dated 13.05.1965, on the one hand, and an alleged prior dedication of the suit property in favour of Dera Bhai Mastan Singh for Dharam-Arth (religious and charitable purposes), on the other. The controversy, which commenced with the institution of a civil suit in the year 1981, has traversed three stages of judicial scrutiny and culminated in the present Appeal questioning the correctness of the judgment dated 22.03.2011 rendered by the High Court of Punjab and Haryana in RSA No. 593/1985.

FACTUAL MATRIX

3. The original plaintiffs instituted Civil Suit No. 183-A of 1981 before the Court of the Subordinate Judge, First Class, Muktsar[1], seeking a declaration that they were owners in possession of land measuring 4 Kanals 18 Marlas, comprised in Khewat No. 578, Khatauni No. 871, Rectangle No. 365, Killa Nos. 3/3 and 4/1, together with a consequential decree of permanent injunction restraining the defendants from interfering with their possession. Their claim of title was founded upon a registered sale deed dated 13.05.1965, executed by Gajjan Singh and Baggu Singh, whereunder the suit property was stated to have been conveyed to their predecessor. According to the plaintiffs, possession had also been delivered contemporaneously with the execution of the sale deed. It was, however, alleged that the revenue records continued to reflect the name of Attar Singh Chela Bhai Gulab Singh in the column of possession, although he had died nearly twenty years prior to the institution of the suit. The plaintiffs asserted that the defendants were relying upon these revenue entries to threaten interference with their lawful possession, necessitating the institution of the suit.

4. The suit was resisted by the defendants, representing Dera Bhai Mastan Singh, who denied both the plaintiffs' title and possession. Their principal defence was that the suit property had ceased to be the private property of the original proprietors long before the execution of the sale deed, having been

[1] Hereinafter referred as 'Trial Court'

irrevocably dedicated for Dharam-Arth in favour of the Dera. It was pleaded that the revenue records consistently recorded Attar Singh Chela Bhai Gulab Singh in possession as "gair marusi bila lagan bawaja Dharam Arth", signifying possession without payment of rent for religious purposes, and that such possession was held not in his individual capacity but on behalf of the Dera. According to the defendants, upon the demise of Attar Singh, possession continued uninterruptedly through the successive Mahants of the Dera, namely Kishan Singh, Santa Singh and thereafter Bhag Singh, each managing and cultivating the land in continuation of the religious institution's possession. It was, therefore, asserted that the Dera had remained in continuous, open and uninterrupted possession of the suit property for several decades and had acquired ownership thereover. The defendants further disputed the validity of the sale deed dated 13.05.1965, contending that the vendors had no subsisting transferable interest after the property had been dedicated to the Dera. It was also pleaded that, in any event, Gajjan Singh and Baggu Singh together owned only one-half share in the suit property, the remaining half admittedly belonging to Pritam Singh, and were therefore incompetent to convey title to the entirety of the property.

5. By judgment and decree dated 22.01.1983, the Trial Court dismissed the suit by principally relying upon the documentary evidence comprising the revenue records, particularly the Jamabandi for the year 1945-46, which recorded Attar Singh Chela Bhai Gulab Singh in possession of the suit property as "gair marusi bila lagan bawaja Dharam Arth". Reading the revenue entries in conjunction with the subsequent Jamabandis and Khasra

Girdawaris placed on record, the Trial Court concluded that the property had been dedicated by the original proprietors for religious and charitable purposes in favour of Dera Bhai Mastan Singh, and that the possession reflected in the name of Attar Singh was in his representative capacity as a Mahant of the Dera rather than in his personal capacity. The Trial Court further found that the continuity of possession of Dera through its successive Mahants stood established from the material on record.

6. The Trial Court further held that the plaintiffs had failed to establish that possession had ever passed pursuant to the sale deed dated 13.05.1965. Although the sale deed contained a recital regarding delivery of possession, no mutation or subsequent revenue entry reflected any change in possession, nor was any satisfactory evidence produced to establish cultivation or possession by the plaintiffs. The Court also drew an adverse inference from the failure to examine Baggu Singh, one of the executants of the sale deed, and held that the recital of delivery of possession, unsupported by corroborative evidence, could not displace the long-standing revenue entries showing possession of the Dera. It also found that the suit property had already been dedicated to the Dera and, in any event, Gajjan Singh and Baggu Singh together owned only one-half share in the property, the remaining half belonging to Pritam Singh. They were, therefore, incompetent to convey title to the entire property.

7. Aggrieved by the dismissal of suit, the plaintiffs preferred Civil Appeal No. 37 of 1983 before the learned Additional District Judge, Faridkot[2]. *Vide*

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[2] Hereinafter referred to as 'First Appellate Court'

judgment dated 25.01.1985, the appeal came to be dismissed and the findings recorded by Trial Court were affirmed.

8. However, the First Appellate Court accepted the submission of the plaintiffs to the limited extent that, since Attar Singh had died many years earlier, the revenue entries could no longer be treated as reflecting his personal possession. However, it rejected the inference that the plaintiffs had thereby established possession in themselves. The First Appellate Court held that Attar Singh's possession was referable to the Dera, and upon his demise the succeeding Mahants continued in possession on behalf of the religious institution. In this regard, it found the defendants' plea regarding succession of possession through Kishan Singh, Santa Singh and thereafter Bhag Singh to be consistent with the character of possession disclosed by the revenue records.

9. The First Appellate Court further found that there was no revenue entry recording the plaintiffs or their predecessor in possession of the suit property either before or after the execution of the sale deed. It, therefore, concurred with the Trial Court that the plaintiffs had failed to establish actual possession or delivery of possession pursuant to the sale transaction. Interpreting the expression "gair marusi bila lagan bawaja Dharam Arth", the First Appellate Court held that the property had been dedicated for religious purposes in favour of Dera Bhai Mastan Singh, and that such dedication stood completed upon delivery of possession to the Dera. It observed that, in the facts of the present case, no separate registered instrument was necessary to complete the dedication once possession had been divested in favour of the religious institution.

10. Aggrieved by the concurrent dismissal of the suit, the plaintiffs preferred RSA No. 593 of 1985 before the High Court under Section 100 of Code of Civil Procedure, 1908[3]. The High Court framed the substantial question of law as to whether the defendants could be declared owners in possession merely on account of long possession without establishing the essential ingredients of adverse possession, and whether the revenue entry recording possession as "Bila Lagaan Bawajah Dharamarth" was, by itself, sufficient to sustain such a claim.

11. Answering the question of law in favour of plaintiffs, the High Court *vide* judgment and decree dated 22.03.2011, allowed the appeal, set aside the concurrent judgments and decrees passed by the Trial Court and the First Appellate Court, and decreed the suit in favour of the plaintiffs.

12. In doing so, the High Court noticed that the revenue records relied upon by the defendants reflected the possession of Attar Singh Chela Bhai Gulab Singh as "gair marusi bila lagan bawaja Dharam Arth", but observed that no subsequent revenue entries had been produced showing that, after Attar Singh's demise, the possession of the suit property came to be recorded in the names of the succeeding Mahants. The High Court was of the view that the Courts below had inferred continuity of possession in favour of the Dera principally on the basis of presumptions drawn from the earlier revenue

[3] For short 'CPC'

entries, without corresponding documentary evidence reflecting possession through the subsequent Mahants. It observed that the revenue entries, by themselves, could not conclusively establish either a completed dedication of the property in favour of the Dera or the acquisition of ownership by adverse possession, particularly when the subsequent course of possession had not been established through corresponding entries or other satisfactory evidence.

13. The High Court further considered the plea as to whether the defendants had perfected their title by adverse possession. In that context, the High Court attached significance to the expression "gair marusi bila lagan bawaja Dharam Arth" occurring in the revenue records. It held that the said entry indicated that the possession of Attar Singh originated for religious purposes without payment of rent and did not, in itself, disclose a hostile assertion of ownership against the recorded proprietors. The High Court observed that where possession is referable to permission or to an arrangement under which a person is allowed to occupy land for a specified purpose, the mere continuance of such possession over a long period does not automatically mature into adverse possession. It was, therefore, incumbent upon the defendants to establish by cogent evidence the point of time at which such possession became hostile to the knowledge of the true owners. In the absence of such evidence, the High Court held that the essential ingredients of adverse possession remained unproved.

14. It is this judgment of the High Court which is the subject matter of challenge in the present Appeal at the instance of the defendants (represented through their legal representatives), who are appellants before this Court.

SUBMISSIONS OF PARTIES

15. Learned counsel for the appellants contended that the High Court committed a manifest error in reversing the concurrent findings of fact recorded by the Trial Court and the First Appellate Court in exercise of jurisdiction under Section 100 of the CPC. It was submitted that both the Courts below, upon a proper appreciation of the oral and documentary evidence, had concurrently held that the suit property had long ago been dedicated for Dharam-Arth purposes in favour of Dera Bhai Mastan Singh and that the successive Mahants of the Dera had remained in uninterrupted possession thereof. According to the learned counsel, such findings were pure findings of fact and did not warrant interference in a second appeal.

16. Learned counsel for the appellants further submitted that the revenue records, commencing from the Jamabandi for the year 1945–46 and continuing thereafter, consistently described Attar Singh, Mahant of the Dera, as being in possession as "gair marusi bila lagan bawaja Dharam Arth", thereby clearly evidencing the dedication of the property in favour of the Dera. In any event, it was urged that the Dera and its successive Mahants had remained in open, continuous and uninterrupted possession of the suit property for several decades and had, therefore, perfected title by adverse possession.

17. Lastly, learned counsel for the appellants submitted that the respondents-plaintiffs could not claim ownership over the entire suit property on the strength of the sale deed dated 13.05.1965, inasmuch as the vendors, namely, Gajjan Singh and Baggu Singh, together owned only one-half share in the property, while the remaining one-half belonged to Pritam Singh. It was, therefore, contended that the sale deed did not convey valid title to the entire suit property and that the judgments of the Trial Court and the First Appellate Court dismissing the suit were liable to be restored.

18. *Per contra,* learned counsel for the respondents-plaintiffs submitted that the Trial Court and the First Appellate Court had committed a fundamental error in law in treating the revenue entries as conclusive proof of title and in presuming a completed dedication of the suit property solely on the basis of the expression "gair marusi bila lagan bawaja Dharam Arth". According to the learned counsel, the appellants had failed to establish, by cogent evidence, either a valid dedication divesting the original proprietors of ownership or any other independent source of title in favour of the Dera.

19. Learned counsel for the respondents further contended that the plea of adverse possession was wholly untenable in the absence of specific pleadings and proof regarding the commencement and hostile character of the possession. Mere long possession or continuation of revenue entries, it was urged, could not satisfy the settled legal requirements governing acquisition of title by adverse possession.

20. Lastly, the learned counsel for the respondents also submitted that the High Court had not reappreciated the evidence as a First Appellate Court but had interfered only after framing the substantial question of law and upon finding that the concurrent findings of the Courts below were vitiated by an erroneous application of the legal principles relating to dedication, adverse possession and the evidentiary value of the revenue records. It was, therefore, prayed that the present Appeal be dismissed.

ANALYSIS

21. Having heard the learned counsel appearing for the parties and having perused the material placed on record, the principal questions which arise for consideration are:

a) Whether the High Court, while exercising jurisdiction under Section 100 of the CPC, was justified in reversing the concurrent findings recorded by the Courts below; and

b) Whether its conclusions regarding the nature of the defendants' possession, the legal effect of the revenue entries describing such possession as "gair marusi bila lagan bawaja Dharam Arth", and the validity of the plaintiffs' claim under the sale deed dated 13.05.1965, can be sustained in law.

The answer to these questions, however, necessarily depends upon whether the findings concurrently recorded by the Trial Court and the First Appellate Court were legally sustainable on the evidence available on record and whether the appellants had ever succeeded in establishing that the suit property was validly dedicated in favour of Dera Bhai Mastan Singh.

22. The case set up by the appellants rests substantially on two foundations, *firstly*, it is asserted that the suit property had ceased to be the private property of the original proprietors long prior to the execution of the sale deed dated 13.05.1965, having been irrevocably dedicated for Dharam-Arth in favour of Dera Bhai Mastan Singh. *Secondly*, it is pleaded that, in any event, the Dera and its successive Mahants had remained in continuous possession of the property for more than four decades and had, therefore, perfected title by adverse possession. Both the Trial Court and the First Appellate Court accepted these pleas and dismissed the suit. The High Court, however, found that the conclusions so recorded were unsupported by the legal requirements governing dedication and adverse possession and, consequently, reversed the concurrent findings. The correctness of that approach falls for our consideration.

23. At the outset, it is necessary to bear in mind the distinction between proof of possession and proof of title. Revenue records, including Jamabandis and Khasra Girdawaris, are undoubtedly relevant pieces of evidence for determining the nature and continuity of possession. They neither create nor extinguish title, nor can they, by themselves, constitute conclusive evidence of ownership. The consistent view of this Court has been that entries in revenue records are primarily maintained for fiscal purposes and are admissible as evidence of possession, but they do not confer title to immovable property. The question of ownership must ultimately be determined on the basis of substantive evidence establishing the source of title. ***[See: Suraj***

Bhan and Others vs. Financial Commissioner and Others*[4]*; Vadiyala Prabhakar Rao and Others vs. Government of Andhra Pradesh and Others*[5]*]

24. The Trial Court and the First Appellate Court principally relied upon the revenue entry describing the possession of Attar Singh Chela Bhai Gulab Singh as "gair marusi bila lagan bawaja Dharam Arth" and the continuation of possession through successive Mahants to conclude that the property had stood dedicated to Dera Bhai Mastan Singh. The First Appellate Court further held that once possession had been delivered for Dharam-Arth purposes, the dedication stood completed and no registered instrument was necessary. It also observed that after the demise of Attar Singh, the succeeding Mahants continued in cultivating possession of the property on behalf of the Dera.

25. In our considered opinion, the approach adopted by the Trial Court and the First Appellate Court below cannot be sustained in law. A valid dedication of immovable property to a religious or charitable institution undoubtedly does not, in every case, require a formal deed if the law otherwise recognises such dedication by unequivocal conduct. Nevertheless, the burden of establishing such dedication squarely rests upon the party asserting it. The Court must be satisfied that the owner had manifested a clear and unequivocal intention to divest himself permanently of ownership and to vest the property in the religious institution. Mere long possession of a Mahant or an entry in the revenue records indicating cultivation for Dharam-Arth

[4] (2007) 6 SCC 186 at Para 9.
[5] 2026 SCC OnLine SC 815 at Para 16 to 17.

purposes cannot, without more, be treated as conclusive proof that ownership itself stood irrevocably transferred.

26. Equally significant is the fact that the appellants themselves sought to derive title on two distinct juristic bases, namely, dedication and adverse possession. The two doctrines proceed on fundamentally different legal premises. If the property had already vested in the Dera by virtue of a completed dedication, the question of subsequently perfecting title by adverse possession would scarcely arise, for adverse possession necessarily proceeds on the assumption that title initially vested in another and was thereafter extinguished by hostile possession for the statutory period. The concurrent findings of the Trial Court and the First Appellate Court do not reconcile these two distinct pleas, rather, both were accepted simultaneously as independent sources of title. Such an approach overlooks the different legal requirements governing each doctrine and renders the reasoning internally inconsistent.

27. Even assuming that the appellants failed to establish a completed dedication of the suit property in favour of the Dera, it was independently asserted that the Dera had, in any event, perfected title by adverse possession on account of its continuous possession through successive Mahants for over four decades. The Trial Court accepted the said plea and the First Appellate Court affirmed that conclusion. The question which, therefore, arises is whether the material on record satisfies the legal requirements necessary to sustain such a plea.

28. In ***T. Anjanappa and Others vs. Somalingappa and Another***[6], this Court reiterated that adverse possession contemplates possession which is hostile to the title of the true owner. A person asserting such a plea must establish by clear and unequivocal evidence that his possession was actual, open, continuous and hostile, so as to amount to a denial of the true owner's title. Mere long possession, however uninterrupted, is insufficient unless accompanied by the requisite hostile animus. Where possession can be referred to a lawful or permissive origin, it cannot be regarded as adverse merely by lapse of time.

29. Tested on the aforesaid principles, we find ourselves unable to sustain the conclusions recorded by the Trial Court and the First Appellate Court. The entire case of the appellants proceeds on the premise that Attar Singh entered into possession of the suit property as Mahant of Dera Bhai Mastan Singh for Dharam-Arth purposes and that, upon his demise, possession continued through the succeeding Mahants. If that be the appellants own case, the origin of possession was never asserted to be hostile to the recorded proprietors. On the contrary, the appellants themselves sought to explain such possession as flowing from an earlier dedication of the property in favour of the Dera. Possession founded upon such an assertion cannot, without more, simultaneously be characterised as hostile possession so as to attract the doctrine of adverse possession.

30. It is equally significant that neither the pleadings nor the evidence disclose the point of time at which the appellants' possession allegedly became

[6] (2006) 7 SCC 570 at Para 12, 14, 15, 18 and 20.

hostile to the true owners. There is no pleading identifying the date from which the title of the recorded proprietors was openly repudiated, nor is there evidence demonstrating any overt act by which such hostility was asserted to the knowledge of the true owners. The absence of these foundational pleadings is not a mere technical defect. They constitute the very basis upon which a plea of adverse possession rests. Unless the commencement of hostile possession is pleaded and proved, the statutory period prescribed under the Limitation Act, 1963 cannot even begin to run.

31. The Trial Court and the First Appellate Court appear to have equated long and uninterrupted possession with adverse possession. Such an approach, with respect, overlooks the settled distinction between the two concepts. Long possession may furnish evidence of physical occupation, however it does not, by itself, establish that such possession was adverse in law. The doctrine of adverse possession does not reward longevity of occupation alone. It protects only such possession as is accompanied by a conscious and hostile assertion of ownership in denial of the rights of the true owner. Unless the element of hostility is affirmatively established, the plea must necessarily fail. ***[See: Government of Kerala and Another vs. Joseph and Others[7]]***

32. We also find that the revenue entries relied upon by the appellants do not advance their case beyond proving possession. The description "gair marusi bila lagan bawaja Dharam Arth" may legitimately indicate that the possession was associated with religious or charitable purposes. However,

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[7] 2023 SCC OnLine SC 961 at Para 35, 47 to 54.

such an entry neither records an assertion of hostile title nor evidences the extinguishment of the ownership of the recorded proprietors. The evidentiary value of a revenue entry cannot be stretched beyond the purpose for which it is maintained. In the absence of independent evidence establishing hostile possession, the said entries cannot, by themselves, sustain a decree founded upon adverse possession.

33. The High Court, in our opinion, correctly appreciated this distinction. It did not discard the revenue entries altogether, rather, it held that those entries were insufficient, in law, to establish acquisition of ownership. The High Court rightly noticed that the appellants had failed to establish the essential ingredients of adverse possession, namely, the hostile character of their possession and the unequivocal denial of the title of the true owners. To that extent, the interference by the High Court was directed not against a pure finding of fact but against an erroneous application of settled legal principles to the evidence on record.

34. We are, therefore, of the considered view that the findings recorded by the Trial Court and affirmed by the First Appellate Court, insofar as they hold that the appellants had perfected title by adverse possession, cannot be sustained. The High Court committed no error in setting aside those findings. Nevertheless, we clarify that our conclusion does not proceed on the premise that the respondents-plaintiffs thereby established an indefeasible title to the entire suit property. The respondents' claim under the registered sale deed must still be examined independently, including the objection raised by the appellants regarding the extent of the vendors' interest. The failure of the appellants to establish a superior title cannot, by itself, enlarge the estate conveyed under the sale deed beyond what the vendors were legally competent to transfer.

35. This brings us to the effect of the sale deed dated 13.05.1965 executed in favour of the predecessors-in-interest of the respondents. Learned counsel appearing for the appellants laid considerable emphasis on the fact that the sale deed dated 13.05.1965 could not have conveyed title to the entire suit property, inasmuch as the ownership entries themselves disclosed that Gajjan Singh and Baggu Singh together owned only one-half share, the remaining one-half belonging to Pritam Singh. It was, therefore, contended that the respondents could not claim ownership over the entirety of the suit land on the strength of the said sale deed and that the Courts below had rightly rejected their claim.

36. There can be no doubt with the proposition that a transferor cannot convey a better title than what he himself possesses. To the extent the vendors were not owners of the entire property, the sale deed could not operate to transfer a larger estate than that lawfully vested in them. The objection raised by the appellants in this regard, therefore, cannot be said to be without substance. However, that is not the end of the controversy before us.

37. The present Appeal does not merely concern the extent of the interest conveyed under the sale deed. The real issue is whether the appellants established a better and superior title so as to defeat the respondents' claim altogether. It is a settled principle that where rival claims of ownership are asserted, each party must succeed on the strength of its own title and not on the weakness of the opponent's case.[8] Consequently, even if the respondents' title under the sale deed were confined only to such interest as the vendors were legally competent to convey, that circumstance would not, by itself, establish that ownership had vested in the appellants. The burden of proving the pleaded dedication or acquisition of title by adverse possession continued to rest upon the defendants throughout.[9] Since, for the reasons already recorded, those pleas remain unsubstantiated in law, the appellants cannot derive any advantage merely by pointing out imperfections in the respondents' title.

38. We are also unable to overlook that the concurrent findings recorded by the Trial Court and the First Appellate Court proceeded substantially on the assumption that the appellants had established ownership in consequence of dedication coupled with long possession. Once that foundational premise is found to be legally unsustainable, the consequential conclusion invalidating the respondents' claim in its entirety necessarily becomes vulnerable. The question as to the exact extent of the interest conveyed under the sale deed is distinct from the question whether the appellants had established ownership over the entire suit property. The former cannot be answered merely by presuming the latter.

39. This brings us to the challenge urged on behalf of the appellants, namely, that the High Court exceeded the limits of its jurisdiction under

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[8] ***See:*** Ramchandra Sakharam Mahajan vs. Damodar Trimbak Tanksale (Dead) and Others, (2007) 6 SCC 737 at Para 13.
[9] ***See:*** Dharampal (Dead) Through Legal Representatives vs. Punjab Wakf Board and Others, (2018) 11 SCC 449 at Para 35 to 40.

Section 100 of the CPC by interfering with concurrent findings of fact. The submission, at first blush, appears attractive. However, a closer scrutiny of the judgments under appeal before the High Court would demonstrate that the interference was not founded upon a mere reappreciation of evidence but upon the erroneous application of settled legal principles by the Courts below.

40. The scope of jurisdiction under Section 100 of the CPC is well settled to require elaborate discussion. In ***Kondiba Dagadu Kadam vs. Savitribai Sopan Gujar and Others***[10], which was further relied upon recently in ***A. Shahul Hameed vs. N. Malligarjuna and Others***[11], wherein this Court has authoritatively held that although the High Court cannot ordinarily disturb concurrent findings of fact, such findings do not enjoy immunity where they are vitiated by a misapplication of law, are founded upon no evidence, ignore material evidence, or proceed on an erroneous understanding of settled legal principles. In such circumstances, the existence of a substantial question of law furnishes a valid foundation for interference under Section 100 of the CPC.

41. Examined in the light of the aforesaid principles, we find that the High Court did not reassess the evidence merely because another view was possible. The High Court examined whether the legal ingredients necessary to sustain the findings of dedication and adverse possession had at all been established on the evidence relied upon by the Courts below. It noticed that the revenue entries had been treated as conclusive proof of ownership and

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[10] (1999) 3 SCC 722 at Para 4 and 5
[11] 2026 SCC OnLine SC 969 at Para 11 to 11.4.

that long possession had been equated with adverse possession without examining the indispensable requirement of hostile animus. These were not pure findings of fact but conclusions drawn upon an erroneous understanding of settled principles of law. The High Court was, therefore, justified in correcting those errors after entertaining the second appeal.

42. We are, however, of the view that certain observations made by the High Court regarding the legal effect of the revenue entries require to be understood in their proper perspective. We clarify, as stated earlier, that an entry describing possession as "gair marusi bila lagan bawaja Dharam Arth" is neither conclusive proof of a completed dedication nor conclusive proof of permissive possession. As held by this Court in ***Suraj Bhan*** *(supra)* and recently in ***Vadiyala Prabhakar Rao*** *(supra),* such an entry constitutes an important piece of evidence bearing upon the nature of possession, but its legal effect must always be determined in conjunction with the surrounding circumstances and the entirety of the evidence on record. Subject to this clarification, we find no infirmity in the ultimate conclusion reached by the High Court.

43. In view of the foregoing analysis, we are of the view that the appellants failed to establish either that the suit property had irrevocably vested in Dera Bhai Mastan Singh by a complete dedication or that title had subsequently been perfected by adverse possession in accordance with law. The concurrent findings recorded by the Trial Court and the First Appellate Court proceeded upon an erroneous application of the governing legal principles and were, therefore, liable to be interfered with. The High Court rightly exercised its jurisdiction under Section 100 of the CPC setting aside those findings. We accordingly affirm the judgment and decree dated 22.03.2011 passed by the High Court, though for the reasons indicated hereinabove, and find no ground warranting interference in the present Appeal.

44. The Appeal is, accordingly, ***dismissed***.

..J.
(PRASHANT KUMAR MISHRA)

..J.
(SHREE CHANDRASHEKHAR)

NEW DELHI;
SEPTEMBER 10, 2026.