

Adverse Possession: Sword and Shield

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The Hon'ble Supreme Court of India in *Darshan Kaur Bhatia v. Ramesh Gandhi and Anr.* reaffirmed the settled position of law, that adverse possession is not only a defence available to a defendant, but also a right available to a plaintiff as against a defendant.

The Supreme Court relied on the principles laid down in *Ravinder Kaur Grewal & Ors. v. Manjit Kaur & Ors.* (2019 (8) SCC 729), regarding adverse possession. The key principles laid down in the precedent are as follows:

- the possessor must have the intention to possess and hold the land adverse to the title of the true owner;
- once the right, title or interest is acquired, it can be used as a sword by the plaintiff, as well as a shield by the defendant within the limits of law as set out in the Indian Limitation Act, 1963; and
- any person who has perfected title by way of adverse possession, can file a suit for restoration of possession, in case of dispossession.

The order of the Supreme Court dated February 28, 2022, can be accessed [here](#).