



Adverse possession - Not available if such possession was neither exclusive nor hostile and nor it was to the knowledge of the parties for want of actual measurements.

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Adverse possession - Plaintiff filed a suit in the year 1992 against the defendants for declaration and [injunction](#) and in the alternative also claimed possession of the suit land - The suit was, filed well within the period of 12 years from the date of knowledge, i.e., in the year 1983 - During this period also, there was no [evidence](#) adduced by the defendants to prove that they ever asserted their right of ownership over the specific portion of the suit land as belonging to them openly and with assertion of hostility to the knowledge of plaintiff - Plaintiff having come to know that the defendants had encroached upon his land in the year 1983 and he rightly filed the suit within 12 years from the date of knowledge, a plea of adverse possession was not available to the defendants against the plaintiff because 12 years had not been completed by then - The question of defendants perfecting their [title](#) by adverse possession over the suit land did not arise - Even if the defendants claimed to be in possession over the suit land prior to the year 1983, the same was of no consequence for the simple reason that such possession was neither exclusive nor hostile and nor it was to the knowledge of the parties for want of actual measurements.

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