

Specific Relief Act 1963 Chapter I - Recovering possession of property

5. Recovery of specific immovable property:

A person entitled to the possession of specific immovable property may recover it in the manner provided by the Code of Civil Procedure, 1908 (5 of 1908).

6. Suit by person dispossessed of immovable property:

(1) If any person is dispossessed without his consent of immovable property otherwise than in due course of law, he or any person through whom he has been in possession or any person claiming through him may, by suit, recover possession thereof, notwithstanding any other title that may be set up in such suit.

(2) No suit under this section shall be brought--

(a) after the expiry of six month from the date of dispossession; or

(b) against the Government.

(3) No appeal shall lie from any order or decree passed in any suit instituted under this section, nor shall any review of any such order or decree be allowed.

(4) Nothing in this section shall bar any person from suing to establish his title to such property and to recover possession thereof.

7. Recovery of specific movable property:

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**A person entitled to the Possession of specific movable property may recover it in the manner provided by the Code of Civil Procedure, 1908 (5 of 1908).**

**Explanation 1.--A trustee may sue under this section for the possession of movable property to the beneficial interest in which the person for whom he is trustee is entitled.**

**Explanation 2.--A special or temporary right to the present possession of movable property is sufficient to support a suit under this section.**

**8. Liability of person in possession, not as owner, to deliver to persons entitled to immediate possession:**

**Any person having the possession or control of a particular article of movable property, of which he is not the owner, may be compelled specifically to deliver it to the person entitled to its immediate possession, in any of the following cases.--**

- (a) when the thing claimed is held by the defendant as the agent or trustee of the plaintiff;**
- (b) when compensation in money would not afford the plaintiff adequate relief for the loss of the thing claimed;**
- (c) when it would be extremely difficult to ascertain the actual damage caused by its loss;**
- (d) when the possession in the thing claimed has been wrongfully transferred from the plaintiff.**

**Explanation.--Unless and until the contrary is proved, the court shall, in respect of any article of movable property**

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**claimed under clause (b) or clause (c) of this section,  
presume--**

**(a) that compensation in money would not afford the plaintiff  
adequate relief for the loss the thing claimed, or, as the case  
may be;**

**(b) that it would be extremely difficult to ascertain the actual  
damages caused by its loss.**

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