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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RSA 91/2009**

VINOD KUMAR

..... Appellant

Through: Mr. proxy counsel (Appearance
not given).

versus

SOM NATH

..... Respondent

Through: Nemo.

CORAM:

HON'BLE MS. JUSTICE ARUNA SURESH

ORDER

% **22.09.2009**

**RSA 91//2009 and CM APPL Nos.9976/2009 (stay),
13064/2009 (stay) & 9977/2009 (u/s. 149 CPC)**

Respondent Som Nath happen to be the father of the appellant. Som Nath is the owner of property No.C-74, Basti Chinot, Gali No.10, Multani Dhanda, Paharganj, Delhi. Admittedly, appellant, who happen to be his son was allowed to occupy one room on the second floor with the common use of latrine on the ground floor in the said property on a monthly license fee of Rs.800/-. Since appellant refused to handover the vacant possession of the licensed premises, Som Nath filed a suit for possession against him. It seems that appellant also forcibly took possession of a kitchen on the first floor by breaking open

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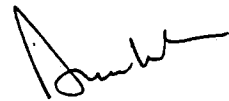
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the lock without the consent of the respondent. For the said kitchen, an FIR was registered by Som Nath against the appellant. He also filed a suit under Section 6 of the Specific Relief Act. Som Nath succeeded in the said suit and obtained decree against the appellant in respect of the kitchen on the first floor. The said kitchen is still in possession of the appellant.

Be that as it may, under the circumstances of this case when it is admitted case of the appellant that he was inducted as a licensee by his father in the suit premises on a monthly license fee of Rs.800/-, he has no possessory right in the suit premises to remain in possession of the same. The judgment and decree of the trial court dated 7.5.2008 under the circumstances of the case was rightly upheld by the first appellate court vide impugned order dated 7th March, 2009.

Under the circumstances, no substantial question of law as suggested in para 2 of the appeal needs formulation as no such question arises. Hence, appeal is hereby dismissed. Pending applications also stand disposed of.


ARUNA SURESH, J.

SEPTEMBER 22, 2009

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