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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No.2373 of 2015

Date of decision: April 06, 2015

M/s Dua Pharmaceuticals Pvt. Ltd.

.....Petitioner

Versus

Smt. Anamika Dua and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Kulvir Narwal, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the judgment/decreed dated 15.07.2014, whereby suit filed by the petitioner for possession under Section 6 of Specific Relief Act, 1963 ('Act' for short), was dismissed.

The case of the petitioner in brief was that R.S. Dua was Managing Director of M/s Dua Pharmaceuticals Pvt. Ltd. Ram Pyari was the owner-in-possession of the industrial property in question and had let out the suit property to the petitioner in the year 1981 at a monthly rent of ₹825/-. Thereafter, Subhash Kumar Anand, son-in-law of Ram Pyari filed petitions against the petitioner for ejectment and the same were decided on 08.12.1990 and 18.09.1993. Petitioner had paid the rent to Subhash Kumar Anand. Respondent No.1 purchased the suit property from Subhash Kumar Anand vide sale deed dated 17.10.2007. Petitioner had never vacated the premises in question. Respondent No.1 further sold the premises in question to respondent Nos. 2 and 3 vide sale deeds dated 24.08.2011. Petitioner was forcibly dispossessed in the first week of December,

2011 from the premises in question. Hence, the suit was filed by the petitioner for possession of the property in question.

The case of the defendants was that respondent No.1 was the daughter-in-law of R.S. Dua and at the time of execution of the sale-deeds in favour of the respondents, petitioner had witnessed the same. Possession of the property in question was delivered to respondent Nos. 2 and 3 at the time of execution of the sale-deeds in their favour.

On the pleadings of the parties, following issues were framed by the trial Court:

- “1. Whether the plaintiff is entitled for the decree of possession against the defendants to hand over the vacant possession of the suit property as mentioned in para No.2 of the plaint? OPP*
- 2. Whether the plaintiff has no cause of action in his favour? OPD*
- 3. Whether the plaintiff has no locus standi to file the present suit? OPD*
- 4. Relief.”*

In support of their case, both the sides led their evidence.

The learned trial Court rightly held that the petitioner was proved to be a tenant under Subhash Kumar Anand till the year 1993 in view of the decision of the petition filed by Subhash Kumar Anand against the petitioner. However, there was nothing on record to suggest that the petitioner continued to remain a tenant under Subhash Kumar Anand at the time of execution of the sale deed dated 17.10.2007 in favour of respondent No.1. The execution of the sale-deed by Subhash Kumar Anand in favour of respondent No.1 is not in dispute. Petitioner was an attesting

witness to the sale-deed dated 17.10.2007 Exhibit D1. As per the said sale-deed, the possession of the land in question had been handed over by the vendor to the respondent No.1. Respondent No.1 is none other than the daughter-in-law of R.S. Dua Managing Director of M/s Dua Pharmaceuticals Private Limited. Moreover, petitioner had failed to prove on record any rent receipts qua payment of rent till the year 2007 when the sale-deed was executed by Subhash Kumar Anand in favour of respondent No.1 or any rent receipt, thereafter, executed by respondent No.1 till she sold the property to respondent Nos.2 and 3. In these circumstances, the learned trial Court rightly came to the conclusion that the petitioner had failed to establish that he was a tenant over the premises in question and therefore, the question of dispossession of the petitioner from the premises in question in first week of December, 2011 did not arise.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

April 06, 2015

m.singh