

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

ESA No.293 of 1990
Date of Decision: 16.01.2015

SubhkaranAppellant

Versus

Lekh Raj and others Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Rishabh Jain, Advocate, for
Mr.Arihant Jain, Advocate, for the appellant.

Mr.Ravi Kapoor, Advocate, for the respondents.

RAKESH KUMAR JAIN, J. (ORAL)

This second appeal in execution is filed by a third party alleging to be a tenant over the property in dispute regarding which Lekh Raj/respondent No.1 had filed suit for possession against Mamdin @ Kirpal Singh. The said suit was decreed in the year 1983 and the said was maintained upto this Court. Thereafter, Lekh Raj filed an execution in which the possession of the disputed property was delivered by him. In that execution, the present appellant also filed an objection on 9.1.1989 on the ground that he was inducted as a tenant by Mamdin @ Kirpal Singh. The said objection has been dismissed by both the Courts below on the ground that since the possession has already been delivered to the decree-holder, therefore, the objector cannot claim himself to be a tenant in possession over the suit property.

Learned counsel for the appellant has though argued vehemently but could not find any fault with the order of the Courts below.

Accordingly, I do not find any merit in the present appeal and the same is hereby dismissed.

16.01.2015

Vivek

(RAKESH KUMAR JAIN)
JUDGE