

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

**RSA No.2258 of 2014 (O&M)
Date of decision: 01.12.2015**

Jasbir Inder Singh

Vs.

... Appellant

Iqbal Mohammad and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Vikas Mehsempuri, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

C.M.No.5465-C of 2014

For the reasons stated in the application, duly supported by an affidavit, delay of 80 days in re-filing the appeal, is condoned.

C.M. stands disposed of.

RSA No.2258 of 2014 (O&M)

The appellant-plaintiff is in Regular Second Appeal against the concurrent findings of facts and law, whereby, the suit for recovery of Rs.1,70,000/- (i.e., Rs.1,62,030/- + Rs.7970/-), with further interest @ 18% per annum from the date of institution of suit, has been dismissed.

Mr.Vikas Mehsempuri, learned counsel appearing on

behalf of the appellant-plaintiff submits that suit for recovery aforementioned was filed on the basis of the lease deed dated 11.05.2002 entered into between the parties to the lis. Both the Courts below dismissed the suit on the ground that lease deed for a period of 12 months required registration. Once the execution of the lease deed has been admitted, there is illegality and perversity in the findings rendered by both the Courts below, much less, substantial question of law arises to be adjudicated by this Court.

I have heard learned counsel for the appellant-plaintiff and appraised the impugned judgments and decrees of the Courts below.

Plaintiff has failed to prove the execution of the lease deed by examining the attesting witnesses. It is settled law that lease deed beyond 11 months requires registration as per Registration Act. In a suit for recovery claiming arrears of lease amount, it is essential and necessary requirement of law that bank statement or any mode or evidence could have been brought and proved on record. In the absence of such evidence, both the Courts below rightly dismissed the suit and appeal.

In view of the aforementioned observations, I do not intend to differ with the findings rendered by both the Courts below, based upon the appreciation of oral and documentary evidence, much less, no substantial question of law arise to be adjudicated by this Court.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

December 01, 2015
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