

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

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**R.S.A No. 501 of 2015 (O&M)
Decided on : February 09, 2015**

Jagdish Lal Targotra

... Appellant

Versus

Shashi Bala & Ors.

... Respondents

CORAM : HON'BLE MR.JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. Shiv Kumar, Advocate, for the appellant.

Mahavir S. Chauhan, J. (Oral)

Heard.

Challenge in this Regular Second Appeal brought by the defendant is to the judgment/decreed dated 22.01.2015, whereby Court of learned Additional District Judge, Faridabad ('first appellate Court' – for short), while affirming judgment/decreed dated 05.01.2013 of the learned Civil Judge (Junior Division), Faridabad ('trial Court' – for short), decreeing suit for redemption brought by the plaintiffs (respondents herein), has dismissed the appeal of the defendant (appellant herein).

The only contention put forth on behalf of the appellant is that he is a tenant under the plaintiffs-respondents as per rent note, Exhibit D-116, but the courts below have failed to take note of this aspect of the matter.

A perusal of the impugned judgment would reveal that plaintiffs-respondents had approached the learned trial Court for redemption

of the mortgage dated 21.02.1995. The suit was defended by the appellant on the plea that he is a tenant under Chunni Lal. The document, i.e., the alleged rent note, Exhibit D-116, when put to one of the plaintiffs was denied by him and the appellant has failed to prove it on record as per law of evidence. On the contrary, the appellant while appearing as witness before the learned trial Court has admitted relationship between himself and the respondents of that of mortgagee and mortgagor.

In view of the above, I do not find any reason to interfere with the well reasoned judgments/decrees recorded by the Courts below.

Faced with this situation, learned counsel for the appellant prays that some time be granted to the appellant to vacate the premises and hand-over its peaceful possession to the plaintiffs.

In view of the above, while dismissing the appeal, the appellant is allowed three months' time to vacate the premises and hand-over its peaceful possession to the plaintiffs.

February 09, 2015
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[Mahavir S. Chauhan]
Judge