

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.2888 of 2014

Date of Decision.10.08.2015

Smt. Roshni

.....Appellant

Versus

Manoj Arora @ Raju and another

.....Respondents

Present: Mr. Ranvir S. Chauhan, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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

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K. KANNAN J. (ORAL)

1. The suit for ejectment brought at the instance of the landlord after issuance of notice in relation to a building which was not 10 years of old and therefore, the landlord claimed that the provisions of the Rent Control Act are not applicable. The defence was that the notice had not been issued as per the requirement of Transfer of Property Act. The Court below has considered the fact that the provisions of Transfer of Property Act itself are not applicable *proprio vigore* but considering the fact that there had been adequate notice given, the principle of the said provisions had been adequately complied with. The Appellate Court has also held that there was no defence for a tenant to take and affirmed the decision.

2. At the Appellate Court, the tenant has sought for permission to place additional evidence purporting to be an agreement of sale executed by the plaintiff in favour of the defendant. He had also sought

for amendment of the written statement to set forth the above facts. The Court did not find them to be adequately explained as to why they could not be brought before the trial Court itself. Assuming for arguments sake that such amendment could have been allowed and the document could have been received, I would still not think that it was going to detract from the fundamental issue of the landlord's entitlement to secure ejectment. If the tenant has agreement of sale in his favour his entitlement will only be to secure specific enforcement and cannot defeat an action for ejectment brought at the instance of the landlord. The issues covered in the suit are fair and simple and admits of no substantial questions for consideration in the second appeal.

3. There is no merit in the second appeal. The second appeal is dismissed.

(K. KANNAN)
JUDGE

August 10, 2015
Pankaj*