

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

RSA No. 5750 of 2015 (O&M)
Date of Decision : 18.11.2015

Darshan Singh

....Appellant

Versus

Jarnail Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajesh Gupta, Advocate
for the appellant.

Surinder Gupta, J.

This Regular Second Appeal has been filed against the judgment passed by learned Civil Judge (Junior Division), Ludhiana whereby suit filed by Jarnail Singh for possession of the shop in dispute and for recovery of arrears of rent was decreed.

2. The case of plaintiff, in brief, is that the defendant-appellant was tenant in the disputed shop and he required the same for reconstruction as condition of the shop was dilapidated and the same was unfit and unsafe for human habitation. A notice as required under Section 106 of the Transfer of Property Act was served on the defendant-appellant calling upon him to vacate the shop. On failure of the defendant-appellant to vacate the shop, the instant suit was filed.

3. The defendant contested the claim of plaintiff *inter alia* pleading that rate of rent was ₹ 600/- per month which he had paid upto 30.08.2010. He admitted the plaintiff as landlord of the disputed shop.

4. Both the Courts below observed that tenancy of defendant-appellant has been legally terminated by way of notice,

as such, he is liable to vacate the shop and also to pay rent as claimed by the plaintiff.

5. Learned counsel for the appellant has assailed the findings of Courts below on the question of rate of rent. He has argued that rate of rent was ₹ 600/- per moth which he had been paying. Without any documentary proof, the Court below has allowed the rent @ ₹ 1000/- per month during pendency of the suit.

6. The Courts below have allowed the rent @ ₹ 1000/- per month by relying on the statement of defendant that rate of rent in that locality for similar shop was around ₹ 1000/- to ₹ 1500/- per month. As the Courts below have relied upon the statement of defendant-appellant, no reason is made out to interfere with the findings qua the rate of rent of disputed shop.

7. On perusal of paper-book and judgments of Courts below I find no legal or factual infirmity therein calling for any interference. No substantial question of law requiring determination arises in this appeal, which has no merit.

Dismissed.

November 18, 2015
jk

(SURINDER GUPTA)
JUDGE