

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

RSA No. 3494 of 2014 (O&M)

Date of decision: August 27, 2015

Ramesh Chand and others

...Appellants

Versus

Kushumlata and others

...Respondents

**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?**

Present: Mr. Ashish Gupta, Advocate,  
for the appellants.

**K. KANNAN, J. (Oral)**

1. The defendants are the appellants. The plaintiff's suit was for injunction on the basis that he had been inducted as a tenant on a rent of Rs. 300/- with an understanding that the rent will be increased to Rs. 500/- after a period of five years. The injunction suit came to be filed when the plaintiff apprehended threat of dispossession at the instance of the defendants, who admittedly are the owners. The plaintiff proved as evidence of possession the payment of electricity charges, water charges and the ration card. The defendants contended that they were only licencees having been handed over possession on the recommendation of his brother in law that his wife was taking up employment at the local place and that the plaintiff would shift when he built his own house at the same town. The plaintiff examined two witnesses to talk about the tenancy while the defendants examined a witness to deny that there was any tenancy and that it was only a licence. The defendants had also filed a counter claim for

recovery of possession of the property having issued a notice under Section 106 of the Transfer of Property Act for ejectment, if he were to a tenant at the time when the suit was filed, it appears that the property was in a place where the Rent Act was not applicable but the Rent Act became applicable subsequently in the year 2006 when the notification had been made.

2. The trial court found the tenancy having been established and granted the relief of injunction and dismissed the counter claim. The Appellate Court also confirmed the same.

3. The learned counsel states that the case of tenancy was accepted by the court only on the basis of a statement that had been made by the plaintiff before the police in Exhibit P.6 claiming himself to be a tenant and since the statement had been recorded in the presence of the defendants, the statement would lend credibility to his assertion that he is the tenant. If the court took Ex. P.6 among along side other oral evidence and document proving his possession, I will take such inference is possible from the given set of facts and if there are two views possible from the evidence produced, I will confirm the concurrent views already taken by the two courts below as appropriate and decline to make any inference. The second appeal is consequently dismissed.

4. The dismissal of the counter-claim will not come in the way of the defendants resorting to an appropriate action for ejectment, if any legal ground exists for securing such relief under the Rent Act that is applicable to the place.

5. Consequently, the appeal is dismissed with the aforesaid liberty.

**August 27, 2015**  
prem

**(K.KANNAN)**  
**JUDGE**

