

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 4861 of 2014(O&M)
Date of decision : January 27, 2015

Janak Raj Bhatia

..... Appellant

Versus

Murti Shri Dwarka Dhish Ji Maharaj

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Parminder Singh, Advocate
for the appellant.

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?

Amit Rawal, J (oral).

This Regular Second Appeal is directed against the the judgments and decrees of the courts below whereby the suit of the respondent-plaintiff seeking mandatory injunction to handover the vacant possession of the suit property has been decreed by the trial court and the appeal filed against the same has also been dismissed.

Learned counsel for the appellant-defendant submits that the suit was time barred, much less not maintainable as the respondent-plaintiff did not file the suit after the expiry of six months from 10.6.2004 i.e. writing Ex. P-7 whereby the appellant-defendant had been given six months time to vacate. He further submits that the legal notice dated 7.5.2007 has also not been proved and therefore the suit as framed and filed should not have

been decreed.

I am afraid that the aforementioned argument of the learned counsel for the appellant-defendant sans merit for the reason that the appellant-defendant cannot take the benefit of largesse of the respondent-plaintiff but permitted the appellant-defendant to remain in possession till a legal notice dated 7.5.2007 was sent by registered post whereby the license was revoked and the suit filed on 11.6.2007, had been filed with promptitude.

There is a presumption in respect of notice sent through registered post as per the provisions of Section 27 of General Clauses Act.

Both the Courts below have rendered a finding based on appreciation of evidence both oral and documentary. I do not find any illegality or perversity in the aforementioned orders of the courts below.

No substantial question of law arise for determination by this Court.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

January 27, 2015
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