

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

RSA No.4961 of 2014 (O&M)
Date of Decision.04.12.2015

Sat Pal and another

.....Appellants

Vs.

Yudhister Singh and others

.....Respondents

Present: Mr. G.S. Nagra, Advocate
for the appellants.

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 recovery of possession of the property and for past rent and damages for use and occupation had been filed on plea that the property had been let out by the plaintiff's father in favour of the defendant's father for the purpose of running a saw mill in the year 1961 but after death of the father, the defendant has stopped paying rent and that he had been in arrears. Notice terminating lease had been issued and suit was filed for recovery of possession. The contention in defence was that a portion of the property had been used for agriculture purpose and the remaining property only had been used for construction of saw mill and the civil remedy for recovery of possession was not competent.

2. The Court found that the predominant purpose of the lease was for running of a mill and the construction of building with rooms there on the property was sufficient to make it non-agricultural and the

suit for recovery of possession under the circumstances was competent.

The findings of the Court below about the purpose of lease and the maintainability of the suit for recovery of possession were perfectly justified under the facts and circumstances and I would find no error for intervention in the second appeal.

3. There exists no substantial question of law for consideration in the second appeal and it is dismissed.

(K. KANNAN)
JUDGE

December 04, 2015
Pankaj*