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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM No. 11851-C of 2014 in/and
RSA No. 5030 of 2014 (O/M)
Date of decision : 18.11.2015

Sher Singh ..... Appellant

Versus

Amarjit Singh ..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. G.S. Pannu, Advocate, for the appellant.

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

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KULDIP SINGH, J. (ORAL)

CM No. 11851-C of 2014

This is an application for condonation of delay of 75 days in refiling the present appeal.

For the reasons mentioned in the application, which is supported by the affidavit of Mr. Satnam Singh, Advocate, Punjab and Haryana High Court, Chandigarh, the delay of 75 days in refiling the present appeal is condoned.

Application is accordingly disposed of.

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Main case

Impugned in the present regular second appeal is the judgment and decree dated 6.2.2014, passed by the learned District Judge, Ludhiana, affirming the judgment and decree dated 7.10.2011, passed by the learned Civil Judge (Junior Division), Ludhiana, vide which the suit of the plaintiff for permanent injunction, was decreed.

I have heard the learned counsel for the appellant and have also carefully gone through the file.

The brief controversy involved in this case is that according to the plaintiff, he is tenant under the defendant in three rooms, kitchen, latrine, bathroom etc. and should not be dispossessed from the suit property by defendant illegally and forcibly, except in due course of law, whereas according to the learned counsel for the appellant, the defendant claims that the tenant/plaintiff is in possession of two rooms only. The only controversy raised before this Court is that the tenant is in possession of two rooms and not three rooms. The lower Court recorded finding that there is one electric meter in the house. The plaintiff is paying the electricity bills and the possession of the plaintiff is thus proved. Before the lower Court, the defendant did not prove that the front room is in his possession. No evidence was led that any of the articles of the defendant are lying therein. The

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son of the defendant is employed in Punjab Police and it was stated that even in the year 2009, the house was locked and an attempt was made to take possession. The findings of facts have been recorded by both the Courts below. Therefore, no question of law arises in the present regular second appeal. Hence, the present regular second appeal is dismissed.

(KULDIP SINGH)
JUDGE

18.11.2015
sjks