

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

RSA No.5622 of 2014
Date of decision : 22.01.2015

Shiromani Gurudwara Parbandhak Committee (S.G.P.C.)

...Appellant

Versus

Manjeet Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Paramjit Singh Thiara, Advocate
for the appellant.

AMIT RAWAL, J. (Oral)

This Regular Second Appeal is directed at the instance of appellant-plaintiff, whereby suit seeking for recovery of amount of ₹25,875/- as arrears of rent along with ₹6525/- as interest from 01.01.2003 to 30.09.2006 at the rate of ₹575/- per month plus house tax at the rate of 12.5% and consequential interest at the rate of 18% per annum has been dismissed by both the Courts below.

Mr. Paramjit Singh Thiara, Advocate for the appellant-plaintiff contends that both the Courts below have committed illegality and perversity in dismissing the suit and as well as the appeal.

The trial Court on the basis of the oral and documentary

evidence found that the appellant-plaintiff has not been able to prove that appellant-plaintiff is entitled to recovery of the amount as claimed in the suit.

The trial Court also found that the appellant-plaintiff failed to produce any authenticated document to establish that respondent was tenant under the appellant-plaintiff as no Municipal Assessment Register has been placed on record and there was no relationship of landlord and tenant between the parties.

The lower Appellate Court dismissed the appeal on the ground that there was no evidence that appellant-plaintiff was landlord and respondent-defendant was tenant as the rent petition and appellate authority dismissed eviction petition & appeal.

Mr. Paramjit Singh Thiara, Advocate for the appellant has submitted that Civil Revision No.4116 of 2011 has been filed and is pending. Be that as it may the fact remains that the dismissal of the Regular Second Appeal filed by appellant-plaintiff would not come in the way of the appellant in the pending revision petition.

There is no illegality and perversity in the findings recorded by the Courts below which is based on the facts and the law.

No substantial question of law arises for adjudication of the present appeal.

Accordingly, the present appeal is dismissed

22.01.2015

**(AMIT RAWAL)
JUDGE**