

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

**RSA No.3521 of 2011 (O&M)
Date of decision:19.08.2016**

Gurcharan Singh

... Appellant

Vs.

Jatinder Kaur

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Anil Chawla, Advocate
for the appellant.

None for the respondent.

AMIT RAWAL J. (Oral)

Appellant-plaintiff is aggrieved of the concurrent findings of facts and law, whereby, the claim qua permanent injunction of forcible dispossession and interference, has been dismissed by both the Courts below.

Mr. Anil Chawla, learned counsel appearing on behalf of the appellant-plaintiff submits that appellant-plaintiff was inducted as tenant in the premises in dispute and rent upto July 2005 already stood paid. The photographs and bills regarding payment of electricity charges have been proved on record yet the Court below did not grant the injunction, in essence, the possession has been established. The remedy, if any, for the respondent-defendant, is to seek injunction, in accordance with law. Even the respondent in cross examination admitted that he had no concern with

the shop in dispute which is in possession of the appellant. At least, the aforementioned aspect has been taken care of and thus, submits that there is illegality and perversity in the findings rendered by both the Courts below.

I have heard learned counsel for the appellant-plaintiff and appraised the judgments and decrees of the Courts below and of the view that appellant-plaintiff has miserably failed to prove on record the relationship of landlord and tenant. No proof of tenancy either in the shape of income tax or any other mode has been proved on record. The photographs and bills have not been proved on record but they have been marked. The photographs do not establish the identity of the property for which the injunction had been sought. The defendant emphatically denied the relationship of tenant. The appellant-plaintiff failed to prove on record the tenancy and rightly so, the Courts below have declined the injunction.

For the foregoing reasons, I do not intend to differ with the findings rendered by both the Courts below which are based upon the appreciation of oral and documentary evidence, much less, no substantial question of law arises for adjudication of the present appeal.

Accordingly, the appeal stands dismissed.

(AMIT RAWAL)
JUDGE

August 19, 2016
savita

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No