

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

R.S.A. No.1367 of 2016 (O&M)

Date of decision: 31.03.2016

Vinod Kumar Sharma (deceased),
through Sushma Sharma

..Appellant

Versus

The Tribune Turst, Sector 29-C, Chandigarh

..Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Jaswinder S. Randhawa, Advocate
for the appellant.

Jitendra Chauhan, J.

CM No.3851-C of 2016

Heard.

For the reasons contained in the application, which is
duly supported by affidavit, same is allowed and delay of 127
days in filing the present appeal is condoned, subject to all just
exceptions.

Main Case

This regular second appeal is directed against the
judgment and decree dated 13.07.2015, passed by learned Additional
District Judge, Chandigarh, (for short, the 'first Appellate Court')
whereby, the appeal filed by the appellant, against the judgment and

decree dated 31.01.2015, passed by learned Civil Judge, Jr. Divn., Chandigarh, (for short, the 'trial Court'), decreeing the suit of the plaintiff-respondent has been dismissed.

It is contended that the respondent had concealed material facts from the learned Courts below and had asserted that the husband of the appellant i.e. Vinod Kumar was illegally terminated from service and the dispute with regard to the same was pending adjudication in the Labour Court. The learned Courts below without going into these material facts ought not to have dismissed the suit of the appellant/plaintiff for grant of penal rent. Therefore, the judgments and decrees passed by the learned Courts below are liable to be set aside.

I have heard the learned counsel for the appellant and carefully perused the entire record.

The late husband of the appellant i.e. Vinod Kumar was terminated from service on 03.12.2008 and as per the Rule 13(3) of the House Allotment Rules, the appellant had to vacate the official accommodation within 14 days from the date of termination of service. The respondent served a legal notice dated 17.04.2009 upon the appellant, but the same was not acted upon. The learned Courts below have rightly held that being the legal heir the appellant has no right to occupy the official accommodation after the death of the deceased, Vinod Kumar. The employee was in occupation of the

house being a licensee. On termination of his services, the licence stood revoked automatically. He had no right to occupy the house in question. His possession became unauthorised. The Trust has every right to evict him. There is no legal right of the heirs of sacked employee to remain in possession of allotted accommodation. The LRs are liable to pay market rent for use and occupation of the house. Therefore, the learned Courts below have rightly passed the impugned judgments and decrees.

On consideration, this Court finds that the contentions only relate to the appreciation of evidence. Neither evidence is shown to have been ignored from consideration, nor there is any misreading of evidence. These are pure findings of fact. No question of law much less substantial question of law arises in the present appeal. Hence, no interference is called for.

Dismissed in limine.

31.03.2016

ashok

(JITENDRA CHAUHAN)
JUDGE