

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

**Regular Second Appeal No.299 of 2016 (O&M)
Date of Decision: March 02, 2016.**

Mohan Lal and another

.....APPELLANT(s).

VERSUS

Surinder Kumar and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. K.S. Rekhi, Advocate
for the appellant (s).

SURINDER GUPTA, J.

This is second appeal filed by plaintiffs Mohan Lal and Sohan Lal, whose suit seeking relief of mandatory injunction directing defendants No.1 and 2 to hand over vacant possession of the house bearing No.1486/12 Gawal Mandi, Ram Tirath Road, Amritsar, was dismissed.

2. The plaintiffs sought possession of the disputed house on the ground that defendants No.1 and 2 were inducted as licensee in the suit property. Vide legal notice dated 26.09.2013, they were asked to vacate the premises, which they refused.

3. Defendant No.3-Kamla, who is sister of plaintiffs, admitted their claim, while defendants No.1 and 2 were proceeded ex parte.

4. On the basis of evidence on record, learned Civil Judge (Junior Division), Amritsar observed that the suit property was owned by Phandu

Ram, who had five children namely Mohan Lal and Sohan Lal (plaintiffs), Charno, Vidya and Kamla, daughters. Vidya died issueless while Charno died leaving behind defendants No.1 and 2 as her son and daughter. Being the legal heirs of Phandu Ram, possession of defendants No.1 and 2 over the suit property is not as a licensee but in their capacity as cosharers. The observations made by learned Civil Judge (Junior Division) were affirmed in appeal by learned Additional District Judge, Amritsar.

5. I have heard learned counsel for the appellants, who could not refute the fact that being the legal heirs of Charno, defendants No.1 and 2 are cosharers in the suit property, as such, the plea taken by the appellants-plaintiffs that they(defendants No.1 and 2) are in possession of the suit property as licensee, has no substance.

6. I have no reason to differ with the observations of the Courts below on this point.

7. No substantial question of law requiring determination arises in this appeal, which has no merits.

8. Dismissed.

March 02, 2016.
Sachin M.

(SURINDER GUPTA)
JUDGE