

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

RSA No.3953 of 2016 (O&M)

Date of decision : 08.08.2016

Sushil Kumar

...Appellant

Versus

Charanjit Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. B.P.S. Gill, Advocate for the appellant.

AMIT RAWAL, J. (Oral)

The appellant-defendant is aggrieved of the concurrent findings of fact, whereby suit for possession of the disputed shop situated at Village Rattan, Tehsil and District Ludhiana has been partly decreed though relief of recovery has been declined.

Mr. B.P.S. Gill, learned counsel appearing on behalf of appellant-defendant submits that suit for possession was instituted but provision of Transfer of Property Act do not apply. Even it does not fall within the exceptions. Notice was not in consonance with the provision of Section 106 of the Act, thus, urges this Court for setting aside of the concurrent findings of facts and law being based upon mis-appreciation of

the evidence in the alternative sought six months time to vacate the possession.

I have heard learned counsel for the appellant and appraised the paper book.

Suit was instituted way back in the year 2010. We are in 2016. The judgment and decree passed by the trial Court is dated 31.08.2015 and two months time to vacate the possession was granted. Appellant-defendant was aware of this fact and he should have to make an alternative arrangement. Though the trial Court declined the relief of occupation charges, I am of the view that provision of Section 106 of the Act would apply in the matter where the property is exempted from applicability of the relevant rent law. The plea of the applicability of the Tenancy Act as the premises is situated outside the Municipal Limits of Ludhiana had rightly been declined and after noticing the aforementioned fact, the ejectment order has been passed.

I am of the view that findings rendered by both the Courts below are based upon preponderance of the evidence, much less, appreciation of the oral and documentary evidence.

I do not find any illegality and perversity.

No ground for interference is made out.

Dismissed.

08.08.2016

pawan

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes

Whether reportable:-

Yes/No