

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

RSA No.451 of 2016 (O&M)

Date of Decision.13.07.2016

Mr. Yash Pal

.....Appellant

Vs.

Mr. Parduman Kumar and another

.....Respondents

Present: Mr. Karan Bhardwaj, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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

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AMIT RAWAL J. (ORAL)

C.M. No.1300-C of 2016

For the reasons stated in the application, delay of 152 days in
refiling the appeal is condoned.

Application is allowed.

C.M. No.1301-C of 2016

For the reasons stated in the application, delay of 326 days in
filing the appeal is condoned.

Application is allowed.

RSA No.451 of 2016

The appellant-defendant is aggrieved of the concurrent findings
of fact whereby his ejectment as licensee has been ordered from the
disputed/demised premises.

Mr. Karan Bhardwaj, learned counsel for the appellant submits
that the suit for possession in view of the mortgage was not maintainable.

The remedy, if any, was redemption of mortgage as there was relationship of landlord and tenant under the prevailing rent laws and the Courts below without taking into consideration all these facts, passed the judgments and decree for possession by way of ejectment and thus, urges to this Court to formulate substantial questions of law as culled out in the memorandum of appeal.

I have heard the counsel for the appellant and appraised the paper book and of the view that there is no force and substance in the submission of Mr. Karan Bhardwaj, for, the nomenclature of document was mortgage, though, in fact it was a licence deed executed for retention of the demised premises for two years from 15.12.2002 to 15.11.2004. On assignment, the licence was revoked and the suit for ejectment had been filed and thus, the remedy chosen is correct one.

For the aforementioned reasons, I do not find any reason to differ with the judgments and decrees passed by the Courts below as the concurrent findings are based on correct appreciation of both documentary and oral evidence. There is no substantial question of law arises for consideration in the second appeal.

The second appeal is dismissed.

(AMIT RAWAL)
JUDGE

July 13, 2016
Pankaj*