

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

**RSA-3766-2015 (O&M)
Date of decision: 04.02.2016**

Balwant Singh and another

...Appellant(s)

Versus

Tulsi Ram

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Harsh Aggarwal, Advocate,
for the appellant(s).

JITENDRA CHAUHAN, J.

The instant regular second appeal is directed against the impugned judgment and decree dated 04.02.2015, passed by the learned Additional District Judge, SAS Nagar (Mohali) (for short, 'the lower Appellate Court'), thereby, upholding the judgment and decree dated 03.03.2011, passed by the learned Civil Judge (Senior Division), Dera Bassi (for short, 'the trial Court'), dismissing the suit of the plaintiff/appellant.

The plaintiff filed suit for eviction of the defendant from the premises shown with letters A.B.C.D. as per the site plan. The suit was dismissed mainly on the ground that the plaintiff failed to prove his ownership over the property in dispute. The findings recorded by

the learned trial Court were reiterated by the learned lower Appellate Court on the fact that an electric meter had been installed in the name of the respondent-defendant and he had also been paying the Chulha tax to the Gram Panchayat. It was further held that the plaintiff failed to produce any evidence with regard to his ownership of the suit property.

It is submitted by the learned counsel for the appellants that the learned Courts below erred in not considering the application to produce on record the rent note. Once it is proved on record that the stand of the defendant is irreconcilable and being contradictory, the learned Courts below ought to have drawn an adverse inference against the defendant. No other argument is raised.

I have heard learned counsel for the appellant and gone through the case file.

It is proved on record that there is no evidence with regard to the ownership of the house in question with the plaintiff-appellant. On the other hand, the defendant has proved that an electric meter is installed at the house in question in his name for the last number of years. He has been also paying the Chulha tax. Thus, once the ownership of the suit property is not established by the plaintiff, the question of letting out the same on rent to the defendant does not arise.

In view of the above, this Court does not find any illegality

or perversity in the findings returned by the learned Courts below. No question of law, much less a substantial question of law arises in the present appeal.

Dismissed.

04.02.2016

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(JITENDRA CHAUHAN)
JUDGE