

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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RSA No. 4285 of 2014 (O&M)

Date of Decision: 11.05.2016

Jyoti Parsad @ Jyoti Ram

.....APPELLANT

VERSUS

Jatinder Kumar

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

PRESENT: Mr. S.S.Dinarpur, Advocate,
for the appellant.

Mr. Vineet Sehgal, Advocate,
for the respondent with
Mr. Jatinder Kumar (respondent).

AUGUSTINE GEORGE MASIH, J (ORAL)

On the last date of hearing i.e. 27-04-2016, counsel for the appellant brought to the notice of the Court while referring to para-29 of the impugned judgment of the Additional District Judge, Panchkula dated 05.03.2014 that it was a specific stand of the respondent that the lease deed had been executed on 13.06.2005 for 10 years, which lease period had come to an end on 12.06.2015 and, therefore, the appellant now was entitled to possession of the suit property, which fact could not be disputed by the counsel for the respondent and had thus sought an adjournment to seek instructions from the respondent and he was called to be present in Court as the dispute was between the relatives.

Mr. Jatinder Kumar (respondent) is present in Court, as has been identified by his counsel. He admitted as a matter of fact that the lease period of ten years as per the lease deed dated 13.06.2005 (Ex.D-2), has come to an end on 12.06.2015 but refused to vacate the premises outrightly despite being offered to do so within some reasonable time, rather he insisted upon holding on to the suit property. This act and conduct of the respondent is purely guided with the lust to deprive the appellants, who are admittedly the owners of the suit property, their legitimate right of possession of the said property and intends to hold on to the suit property illegally without there being a valid lease in his favour. It is effectuated with not only a mala-fide intention but also projects his mindset as he treats the proceedings of Court to be farce which can be misused to deprive a person of his legitimate right. He has forgotten that the Court is meant to do justice and not perpetuate injustice. This Court cannot be a mute spectator to such illegality and resultantly be a party to it.

In the light of the above facts and circumstances of the present case, this Court is left with no option but to order and direct the respondent to hand over the vacant possession of the suit property to the appellant within a period of four weeks' from today i.e. on or before 10.06.2016, failing which the appellant may initiate the process of eviction of the respondent and take possession of the suit property for which he can also seek help of the police authorities.

Counsel for the appellant, at this stage, seeks liberty to initiate appropriate proceedings to recover the damages/mesne profits from the respondent for occupying the suit property after the expiry of the period of lease i.e. 12.06.2015 till the date of handing over/taking over possession

thereof.

The liberty, as prayed for, is granted to the appellant as permissible in law.

The Regular Second Appeal stands disposed of in the above terms.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

May 11, 2016

pj