

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

**Regular Second Appeal No.6135 of 2014 (O&M)
Date of Decision: September 07, 2016.**

Anju

.....APPELLANT(s).

VERSUS

Lady Emerson Seth Chaturbhuj Hospital

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajinder Sharma, Advocate
for the appellant (s).

SURINDER GUPTA, J.

This is appeal against the concurrent judgments of the Courts below decreeing the suit of the respondent-plaintiff giving direction to appellant-defendant to hand over the vacant possession of the quarter in her possession to the respondent-plaintiff and also allowing the relief of recovery of mesne profits for the use and occupation of the said quarter.

The case of the plaintiff, in brief, is that the defendant was allotted the quarter in question being an employee of plaintiff hospital and her services were terminated in June, 2005. Thereafter, she has been retaining possession of the disputed quarter which is exclusively for the use and occupation of the employees who are doing job in the hospital.

The appellant-defendant admitted in reply to para 2 of the plaint on merits that quarter in question was allotted to her being under employment of the plaintiff. It is also not disputed that services of appellant-defendant have been terminated in June, 2005.

Learned counsel for the appellant has argued that the appellant-defendant was in possession of the quarter in question as licensee and no notice to terminate her licence has been issued. He has relied on the observations of Co-ordinate Bench of this Court in case of ***Surjit Kaur Vs. Balwinder Kaur 2005(3) PLR 846.***

The above argument of learned counsel for the appellant has no basis in view of the admission of the appellant-defendant that she was allotted the quarter being an employee of the plaintiff hospital. No notice was required to be served on the appellant terminating her licence. It is a case of high-handedness of the appellant that even after 11 years of termination of her services, she is continuing with the possession of the quarter in the hospital, which is meant for the hospital employees to attend the emergency services. Instead of vacating the quarter after termination of services, appellant-defendant resorted to litigation by filing the suit in the year 2008 and has been continuing in possession of the quarter of respondent-plaintiff without having any right, title or interest therein.

On perusal of the record and judgments of the Courts below, I find no legal or factual infirmity therein calling for any interference.

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

Dismissed.

September 07, 2016
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

√
Yes/No

Whether Reportable:

Yes/No