

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

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RSA No.1573 of 2015 (O & M)  
Date of decision :02.11.2017

Chandan Singh and others

...Appellants

Versus

Labh Singh and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

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

Mr. Kulbhushan Sharma, Advocate  
for respondent No.1.

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**ANIL KSHETARPAL, J.(Oral)**

Defendants-appellants are in appeal against the judgment passed by the learned First Appellate Court.

Plaintiff had filed a suit for declaration and mandatory injunction against the defendants. Defendant No.2 is the son of plaintiff's wife from the previous husband i.e. Gopi Krishan Mishra whereas defendant Nos.3 and 4 are wife and child of defendant No.2.

It is not disputed before me that the property was allotted to the plaintiff and hence he is owner of the same. It is further not disputed before me that the plaintiff earlier had filed eviction proceedings under the Haryana Urban Development Authority Act, 1977 on the ground of non-payment of rent. Eviction petition was allowed. However, appeal filed by defendant No.2 was accepted and it was held that there is no relationship of landlord and tenant between the parties.

Plaintiff in this case, although committed same mistake again alleging defendant No.2 to be tenant, however, in view of the fact in the earlier judgment between the parties, a finding has been given that there is no relationship of landlord and tenant and, therefore, the Courts have rightly ignored those pleadings.

Defendants are in permissive possession being licensee. Defendants have pleaded that they along with the help of their father had constructed first floor of the house and started living therein. Defendants failed to prove this fact. There is a finding of fact arrived at by the learned First Appellate Court in this regard. The license in favour of the appellants has been terminated, hence, appellants have no right to stay in the house.

For the reasons recorded above, this Court does not find any good ground to interfere with the concurrent finding of fact arrived at by the learned First Appellate Court.

Appeal is dismissed.

All the civil miscellaneous applications filed by the respective parties shall stand disposed of in terms of the aforesaid judgment.

02.11.2017  
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**(ANIL KSHETARPAL)**  
**JUDGE**

Whether Speaking/reasoned : Yes  
Whether Reportable : No