

In the High Court of Punjab and Haryana at Chandigarh

Regular Second Appeal No. 2880 of 2015 (O&M)
Date of Decision: 07.3.2017

Parshotam Lal

.....Appellant

Versus

Shambhu Nath

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Ms. G.K.Mann, Advocate
for the appellant.

This is the defendant's second appeal aggrieved by the judgments of both the Courts below.

Shambhu Nath had filed a suit for mandatory injunction and for direction to the defendant to vacate the premises which was owned by him. It was pleaded that the plaintiff's father Chand Mal had opened a karyana store and he was quite old and was unable to look after the shop and the defendant was engaged as domestic aid to help their father. The father of the plaintiff died in 2002. The plaintiff had purchased the share of his brothers and became the absolute owner. He asked the defendant to vacate the premises which he refused and therefore the suit was filed on the plea that he was a licensee.

The defendant took the plea that he was a tenant and was paying Rs. 70/- per month and the relationship of landlord and tenant existed and the suit was not maintainable.

The lower Court rejected the income tax return relied upon by the defendant as it was a document which had been executed in his own

favour. A finding was given that the defendant had failed to place on record any material to show that he was paying rent or that the relationship of landlord and tenant existed. The defendant was directed to hand over the peaceful possession.

The appeal filed by the defendant also failed.

I have heard the counsel for the appellant at great length. I find no merit in the appeal. The appellant was unable to lead evidence to show that the relationship of landlord and tenant existed or that he had ever paid rent. He was rightly held to be a licensee. There is no infirmity in the findings recorded by both the Courts below.

The appeal is dismissed in limine.

(ANITA CHAUDHRY)
JUDGE

March 07, 2017
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No