

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

RSA NO.4839 of 2016 (O&M)

Date of Order: 24.08.2017

Paramjit Kaur @ Nirmal Kaur

..Appellant

Versus

Jagdev Singh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Anureet S. Sidhu, Advocate,
for the appellant.

ANIL KSHETARPAL, J(Oral).

**C.M.No.12529-C of 2016 &
C.M.No.1047-C of 2017**

Applications are allowed. Deficiency in Court fee has already been made good. Delay, if any, in making up the deficiency is condoned.

C.M.No.12530-C of 2016

This is an application for condoning the delay of 137 days in filing the appeal.

It has been asserted that the appellant could not file the appeal due to paucity of funds. The application is supported by an affidavit. The delay of 137 days in filing the appeal is condoned.

RSA No.4839 of 2016

Defendant no.2 is appellant before this Court. The judgments and decrees passed by the Courts below have been challenged.

Jagdev Singh, respondent no.1 filed a suit for possession with respect to some portion of the residential house claiming that he is owner of the house and defendants were residing in the house as a licensee. It was pleaded that the aforesaid license has been terminated because the relationship between the parties has gone sour. Jagdev Singh is father of defendant no.1,

whereas defendant no.2 is daughter-in-law.

Learned trial court after appreciating the evidence available on the file decreed the suit filed by the plaintiff.

Appeal filed by defendant no.2-appellant before the first appellate Court also failed. Learned first appellate Court re-appreciated the evidence available on record.

Learned counsel for the appellant has submitted that it is proved from the evidence that the property is joint Hindu family property. He submitted that the plaintiff during his examination has stated that his father was serving in army and he has 40 acres of land. Learned counsel for the appellant has further submitted that it should be assumed that from the income of the land, plaintiff purchased this property in dispute.

I am afraid such assumption cannot be drawn. Plaintiff has purchased the property through sale deed dated 18.08.1970 from Managing officer, Rajpura/Tripuri Township. The plaintiff was serving in Mumbai as a Pharmacist. Plaintiff permitted his son and daughter-in-law to live in the house during his service. After retirement, plaintiff has shifted back and now son and daughter-in-law are not behaving properly. The license in this case has been terminated. The appellant has no right, title or interest in the property.

In these circumstances, there is no ground to interfere with the concurrent findings of fact arrived at by the courts below. The regular second appeal is ordered to be dismissed.

August 24, 2017
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No