

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Regular Second Appeal No.5243 of 2015
Date of Order: 02.08.2017

Chaman Lal

...Appellant

Versus

Inderjit Bedi and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashok Aneja, Advocate,
for the appellant.

ANIL KSHETARPAL, JUDGE (Oral)

The appellant before this court is a tenant. Appellant had filed a suit for mandatory injunction, directing the defendants to allow the plaintiff to open his tenanted shop by removing the malba thrown by the defendants in front of the shop of the plaintiff. It was further prayed that defendants should be directed to re-erect and repair the damaged portion of the plaintiff.

Both the Courts below have found that in fact the shop in question has ceased to exist. The construction of the shop has already fallen down. In these circumstances, the Courts below have rejected the prayer of the plaintiff.

Learned counsel for the appellant has brought to my notice that the landlord had filed an ejectment petition, which was dismissed. Civil Revision No.5427 of 2005 was pending in this Court at the behest of landlord. Even that has been dismissed as infructuous as the shop has fallen down.

In view of the aforesaid fact and particularly taking into

consideration the order passed by the first appellate Court that the plaintiff can file an application for reconstruction under the Punjab Rent Act, 1995, I do not find any good ground to interfere. Therefore, the regular second appeal is ordered to be dismissed.

August 02, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No