

RSA-6770-2016 (O&M)

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

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**RSA-6770-2016 (O&M).
Decided on: July 10, 2017.**

Anil Kumar Gupta

.. Appellant

VERSUS

Perhlad Gupta (since deceased) now represented through Lrs.

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Mr.Sanjay Jain, Advocate,
for the appellant.**

M.M.S. BEDI, J. (ORAL)

Suit of the plaintiff-appellant seeking permanent injunction against his father Perhlad Gupta, now represented through his LRs, has been dismissed by the Courts below by arriving at a concurrent finding of fact on appreciation of evidence that the appellant though is in possession of the house in dispute but the licence having been terminated by a notice dated 19.11.2009, he is not entitled to the relief of injunction.

Counsel for appellant submits that the dispute regarding the Will executed by Perhlad Gupta is the subject matter of another dispute in which the right of inheritance of the plaintiff-appellant is to be determined.

I have heard the learned counsel for the appellant and carefully gone through the facts and circumstances of the case. It is submitted that while deciding the possessory rights of the appellant, the

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Courts have gone into the question of determination of title which is not permissible. There is no force in the contention of the plaintiff-appellant as the suit of the plaintiff-appellant was for mere injunction and his status as a licensee has been extinguished by the defendant. Besides this, it has been proved that he is not legally entitled to the relief of injunction as the foundation of his right as a licensee stands terminated by a notice which has been proved on record.

In view of controversy regarding the inheritance on the basis of disputed Will pending before the civil Court, no ground is made out for interference in the judgments and decrees passed by the Courts below. However, it is observed that the orders passed by the Courts below will not affect the determination of title in the litigation.

I do not find any force in the contention of the learned counsel for the appellant that even if the appellant is deemed to be trespasser, he would be entitled to the relief of injunction, as both the Courts below have determined the possessory title of the appellant and arrived at a conclusion that he is not entitled to any injunction. A person who enters into possession of the property as a licensee after termination of his licence has got no right to retain the possession.

Dismissed with above observations.

(M.M.S. BEDI)
JUDGE

July 10, 2017.

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Whether speaking / reasoned
Whether reportable:

Yes / No
Yes / No