

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

**RSA No.4095 of 2017 (O&M)
Date of Decision: 30.08.2017**

Chaman Lal

... Appellant

Versus

Mohinder Singh

... Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Rajiv Joshi, Advocate,
for the Appellant.

ANIL KSHETARPAL, J. (ORAL)

Defendant/tenant is in Regular Second Appeal against the concurrent finding of fact arrived at by the Courts below.

Plaintiff filed a suit for possession by way of eviction against the defendant/appellant on the ground that the house in question was rented out to the defendant in the month of January, 1992. Plaintiff had also claimed that the defendant is in arrears of rent since February, 2005. Plaintiff had also claimed that the tenancy was terminated by serving a notice dated 31.08.2007.

The defendant contested the suit and pleaded that he was inducted as a tenant by Prem Singh father of Pargat Singh. Therefore, it was claimed that Mohinder Singh was not the landlord of the defendant/appellant.

Learned trial Court after appreciating the evidence available on the file, decreed the suit filed by the plaintiff. The defendant filed the first

appeal. The first Appellate Court after reappreciating the evidence available on the file, dismissed the appeal.

Learned counsel for the appellant has submitted that once the relationship of landlord and tenant was disputed, the trial Court was wrong in decreeing the suit for possession. He has further submitted that the description of the property given in the notice and the plaint are at variance, hence the notice terminating the tenancy was not valid.

Learned counsel for the appellant has further argued that the notice terminating the tenancy was served and the tenancy was terminated with effect from 31.08.2007 whereas the attorney through whom the suit was filed, was authorised on 16.11.2007.

I have considered the submission of the learned counsel for the appellant.

It is not in dispute that the owner of the property is plaintiff Mohinder Singh. The attorney is Pargat Singh son of Prem Singh. The defendant/appellant claims that he was given the property on rent by Prem Singh. The Courts below have found that Prem Singh acted on behalf of the owner. He is father of Pargat Singh, who was an authorised attorney.

As far as the argument of the learned counsel for the appellant that there is variance in the description of the property in the notice as well as in the plaint, it is suffice to say that the purpose of notice is to inform the tenant that the tenancy has been terminated. Minor variation in the description of the property cannot defeat the suit filed by the plaintiff.

The next submission of the learned counsel for the appellant is

that the attorney was authorised in the month of November, 2007 whereas the tenancy was terminated with effect from 31.08.2007. However, a reading of the plaint would show that the plaintiff had sent a corrigendum dated 14.12.2007 reiterating the earlier notice served.

For the reasons recorded above, I do not find any good ground to interfere with the finding of fact arrived at by the Courts below.

Appeal is dismissed.

30.08.2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No