

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

RSA 4456/2017 (O&M)
Date of decision:12.10.2017

Bhajan Lal

.....Appellant

v.

Lachhman Dass

.....Respondent

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Rajiv Joshi,Advocate for the appellant/defendant.

Jaswant Singh,J,(Oral).

This appeal by defendant/appellant is directed against the judgment and decree dated 16.7.2014 passed by learned Civil Judge (Jr.Division)Ludhiana whereby respondent/plaintiff has been held entitled to recover arrears of rent from the present appellant w.e.f. 1.5.2006 to 4.4.2009 @ Rs.1500/- per month for three years with interest @ 6% per annum recoverable from the date of filing of the suit till actual realization. Further challenge is to the judgment and decree 2.3.2017 passed by learned Addl.Distt.Judge, Ludhiana, whereby said findings of trial court have been affirmed.

It is contended by the learned counsel for the defendant/appellant that both the judgments and decrees are liable to be set aside as both the courts below have illegally ignored the fact that appellant was tenant in the demised premises earlier but the tenancy ceased on account of the sale deed executed in favour of the wife of the appellant and since the wife of the appellant had become owner of the entire demised premises, no question arose for payment of rent.

After hearing the learned counsel for the appellant, I find no question of law much less substantial question of law arising in this appeal.

It has come on record that there was long litigation between the

parties upto this Court. In the earlier lis between the parties, learned Appellate Authority,Ludhiana vide judgment dated 4.2.2009 Exhibit P1 had categorically held that the defendant was in arrears of rent and liable to pay the same to the respondent/plaintiff. The said judgment was challenged by appellant before this Court by way of Civil Revision No.1149/2009 which was dismissed vide order dated 3.3.2009, thus affirming the findings of the Appellate Authority Ex.P1 regarding liablity of the appellant to pay the rent for the specified period.

The matter regarding payment of rent having been upheld upto this Court, now the appellant cannot be permitted to re-agitate the matter again in the present appeal.

Dismissed.

12.10.2017
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No