

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

**RSA No.4600 of 2017 (O&M)
Date of Decision: 27.09.2017**

Karambir Saini

... Appellant

Versus

Man Mohan Goel

... Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Vinod Bhardwaj, Advocate,
for the Appellant.

ANIL KSHETARPAL, J. (ORAL).

CM 12092-C of 2017

Allowed as prayed for. The deficiency in Court fee has already been made good. Delay, if any, is condoned.

Main case

The Defendant/appellant is in appeal against the judgement passed by the learned District Judge, Rohtak.

The plaintiff filed a suit for possession by way of eviction of the tenant and for recovery of the rent of Rs.32,200/-. The plaintiff had claimed that he had terminated the tenancy of the defendant and, therefore, he is entitled to possession of the property.

The defendant on the other hand, took a stand that he had taken the property on rent from the General Power of Attorney of the plaintiff and, therefore, there was no relationship of landlord and tenant.

Learned District Judge after appreciating the evidence available

on the file, has recorded a finding of fact that the plaintiff is the owner as well as landlord of the property after the death of his father. Therefore, the plaintiff being landlord of the property is entitled to seek possession of the same from the tenant after the death of his father. It is not in dispute that the provisions of the Rent Act are not applicable.

Learned first Appellate Court has further noticed that the tenancy was terminated by a valid notice.

In these circumstances, I do not find any good ground to interfere with the finding of fact arrived at by the first Appellate Court.

The appeal is dismissed.

(ANIL KSHETARPAL)
JUDGE

27.09.2017
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No