

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

**RSA No.5946 of 2017(O&M)
Date of Order: 19.12.2017**

VIJAY KUMAR

..Appellant

Versus

TILAK RAJ

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Harsh Manocha, Advocate, for
Mr. R.K.Dadwal, Advocate,
for the appellant.

ANIL KSHETARPAL, J (Oral)

Defendant-appellant is a tenant. Landlord filed a suit for possession by way of eviction after terminating the tenancy in favour of the appellant.

Defendant on the other hand, contested the suit and disputed ownership of his landlord.

Learned first appellate Court while relying upon agreement dated 15.01.2001, Ex.P2, whereupon the defendant-appellant had admitted his signatures, decreed the suit for eviction.

Learned counsel for the appellant has vehemently argued that the plaintiff was not the owner of the property as the plaintiff has received a sum of Rs.60,000/- from one Vinod Kumar.

In the considered opinion of this Court, this plea is not available to the defendant-appellant. Once the defendant-appellant took the premises in dispute on lease from the plaintiff, the defendant/appellant cannot dispute the ownership of his landlord.

It is not in dispute that after taking the premises on lease from

the plaintiff, defendant-appellant has not surrendered possession back to his landlord.

Learned counsel for the appellant has further argued that the lease was only for a period of two years and after expiry of the period of two years, the relationship of landlord and tenant had come to an end.

This Court does not find any substance in the argument raised by counsel for the appellant. Once the defendant-appellant entered into possession of the premises on the basis of agreement of lease dated 15.01.2001, execution whereof is admitted, the appellant is bound to return possession of the property back to him.

In view thereof, there is no scope for interference in the order passed by the first appellate Court.

The regular second appeal is dismissed.

December 19, 2017
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : YES/NO
Whether reportable : YES/NO