

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

**RSA No.758 of 2009 (O&M)
Date of Decision: 06.12.2018.**

Jagdish Singh

... Appellant

Versus

Mahant Gurpartap Dass and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Veneet Sharma, Advocate
for the appellant.

Mr. A.P.S. Sandhu, Advocate
for respondent No.3.

ANIL KSHETARPAL J. (ORAL)

Plaintiff-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by the courts below while dismissing the suit filed for grant of relief of permanent injunction restraining the defendant from leasing out a property to any other person or interfering in his possession.

Plaintiff claims that he is lessee in the shop in question pursuant to a registered lease deed dated 30.12.1997. Registration of the lease deed is after the institutions of the suit on 12.11.1997. The execution of the lease deed was denied by defendant No.1 and he claimed that property have already been leased out to defendant No.3-Jaswinder Singh. Although, execution of the lease deed was denied, however, both the marginal witnesses who had appeared in Court on behalf of plaintiff did not come forward to face cross-examination. Still further the court have found that the non Judicial Stamp Paper for execution of the lease deed was purchased on 20.10.1997, whereas, the lease deed is alleged to have been executed on 10.10.1997 that is 10 days before the Stamp Paper came to be purchased.

Still further as per registered lease deed, plaintiff was put in possession of the property, however, no evidence have been produced accept solitary statement of the plaintiff to prove that he is in possession of the property of the lease shop. Neither registration under the Value Added Tax has been produced nor evidence with respect to purchase or sale of goods in which the plaintiff deals, have been produced.

In such circumstances, this court does not find any good ground to interfere.

Appeal is dismissed.

06.12.2018
rekha sharma

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*