

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

RSA No.1286 of 2016 (O&M)

Date of decision : 02.08.2018

Pardeep Kumar

...Appellant

Versus

Manjit Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Dhirinder Chopra, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Defendant-appellant is in the Regular Second Appeal against the judgment passed by the First Appellate Court decreeing the suit for recovery of ₹90,000/- alongwith interest at the rate of 12% p.a.

The plaintiffs filed a suit for recovery of ₹1,51,350/- alongwith interest on account of arrears of rent with the assertions that the rent has not been paid since 01.12.2003. The defendant-appellant denied the relationship.

Learned counsel for the appellant has submitted that the Appellate Court as well as this Court found that the relationship of landlord and tenant is proved and, therefore, the petitioner is liable to be evicted.

The judgment passed by this Court in CR No.1743 of 2016 decided on 24.09.2016 has been passed on by the learned counsel for the petitioner.

Now the only dispute which remains to be decided is that what was the rate of rent. It is a positive case of the plaintiffs-landlords that the rate of rent was ₹2500/- per month.

The defendant had denied the relationship between the parties. Learned First Appellate Court after appreciating the evidence and after considering the various documents have recorded a finding that the rate of rent is ₹2500/- per month but the plaintiffs were held entitled to recover the arrears of rent for the period 3 years preceding the filing of the suit.

Although, learned counsel for the appellant made a sincere attempt to persuade this Court to take a different view while asserting that there is no document on the file that the rate of rent is ₹2500/- per month, however, keeping in view that defendant-appellant had taken a false stand and the First Appellate Court has appreciated the evidence in correct prospective, this Court does not find any good ground to interfere.

Regular Second Appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

02.08.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No