

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.4578 of 2013 (O&M)

Date of decision: 20.04.2018

Jagdish Chand

..... Appellant

Versus

Sitla Mata Mandir, Ludhiana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Sanjay Mittal, Advocate
for the appellant.

Mr. Paras Talwar, Advocate
for the respondents.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-appellant is in the regular second appeal against the concurrent finding of fact arrived at by the Courts below while dismissing the suit for permanent injunction as the plaintiff was claiming permanent injunction protecting his possession on the ground that he is a tenant on the shop in dispute. In the written statement filed by the religious institution, it was pleaded that in fact one Tilak Raj was the tenant and Panna Lal was working with him. Tilak Raj died and Panna Lal continued in possession. Plaintiff, brother of Tilak Raj, has been troubling Panna Lal and snatched certain electricity bills etc. from him. Forced by the circumstances, Panna Lal handed back the possession to the defendant on 18.12.2009.

Both the Courts on appreciation of evidence available on the file have recorded a concurrent finding of fact that tenancy in favour of the plaintiff is not proved and the possession of the shop in question had

already been handed over to the defendant-religious institution.

This Court has heard learned counsel for the parties at length and with their able assistance gone through the judgments passed by the Courts below.

Learned counsel for the appellant has drawn the attention of the Court to various electricity bills produced by the plaintiff to prove that these electricity bills have been paid by the plaintiff.

It is not disputed that the electricity bills are not in the name of the plaintiff. Signatures of the plaintiff on the electricity bills are not there. Even it is not proved that the payment was made from the account of the plaintiff.

In these circumstances, this Court does not find any good ground to interfere with the concurrent finding of fact arrived at by the Courts below.

Appeal is dismissed.

20.04.2018

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No