

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

111

**RSA-2942-2016 (O&M)
Date of Decision : 25.07.2018**

M/s Punjab Kashmir Finance Pvt. Ltd.

..... Appellant

Versus

Deep Hire Purchase Pvt. Ltd. and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Ms. Parminder Kaur, Advocate
for Mr. Rohit Sud, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the courts below dismissing a suit filed by the appellant.

The admitted facts are that the appellant and respondent Nos.1 to 3 are co-tenants in the first floor of the premises. The claim of the appellant was that there was a courtyard which was common between all the tenants but the respondents No.1 had stopped ingress and egress of the appellant from that courtyard. The case of the respondents-cotenants on the other hand was that common courtyard was on the other side of the premises and not where the appellant was asserting it to be. The courts below find that to be so and dismissed the suit of the appellant. Hence, the appellant is before this Court.

Counsel for the appellant has taken me through clause 7 of the lease deed and has also shown to me the plan of the premises. It is her argument that the courtyard referred to as common courtyard was the one

which was so asserted by the appellant and as per her the courts below wrongly construed clause 7 and the plan in coming to a different conclusion. Counsel for the appellant has further argued that even the landlord had stated in his written statement that the respondent No.1 had made illegal construction.

I have not able to persuade myself that the findings of fact or the interpretation of the courts below vis-a-vis the plan or clause 7 of the lease deed are either based on no evidence or based on such a perverse misreading of evidence so as to justify the interference of this Court in second appeal.

Appeal is dismissed. No costs.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

July 25, 2018
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No