

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-1886-2015 (O&M)

Date of Decision:-19.01.2018.

Punjab State Warehousing Corporation Chandigarh

.....Appellant

Versus

Tarsem Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Vikas Singh, Advocate for the appellant.

P.B. BAJANTHRI, J. (Oral)

CM-5014-C-2015

Delay of 15 days in paying the court fee is condoned.

CM stands allowed subject to all just exceptions for the reasons stated in the application as well as affidavit.

CM-2441-C-2016

Correct grounds of appeal is taken on record.

CM stands allowed subject to all just exceptions for the reasons stated in the application as well as affidavit.

RSA-1886-2015

Heard the appeal.

Appellant has questioned the order of concurrent finding of the trial and Appellate Court. No substantial question of law is raised in the present appeal. Supreme Court in the case of **Satish Chand (Dead) by legal representatives and another Vs. Kailash Chand and others** reported in

(2017) 13 SCC 619 in para 4 and 5 has held as under:-

“4. Having heard the learned senior counsel for the appellants, we are of the view that the High Court in Second Appeal was not justified in reversing the concurrent findings entered by the first appellate court and trial court in the matter of right to sell and in reversing the admitted position of landlord-tenant relationship as found by the first appellate court and denying eviction. The First appellate court is the last court on facts. We find no perversity in the findings of the first appellate court. The said court has found on admission that there was landlord-tenant relationship. After entering such a finding only, the eviction was ordered on the ground of arrears of rent. There is no dispute on these facts. On the right to sell the property by the first respondent’s father, the findings are concurrent.

5. In that view of the matter, we allow the appeal, set aside the impugned judgment of the High Court and restore that of the first appellate court. The respondents are given a period of two months to surrender vacant possession to the appellants. No costs.”

Since appellant has not pointed out any substantial question of law in the present appeal, appellant has not made out a case so as to entertain the present appeal.

Accordingly, appeal stands rejected.

(P.B. BAJANTHRI)
JUDGE

January 19, 2018.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.