IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM 248-C-2018
RSA-143-2018 (O&M)
Date of decision: 11.01.2018

Smt.Anita

…..Appellant

versus

Smt.Kiran and another

……Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Sant Lal Barwala, Advocate for the appellant

1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

Kuldip Singh, J. (Oral)

CM 248-C-2018

For the reasons mentioned in the application the same is allowed and delay of 12 days in filing the appeal stands condoned.

RSA-143-2018 (O&M)

Impugned in the present regular second appeal is the judgment and decree dated 21.4.2014 passed by learned Civil Judge (Junior Division), Hisar, vide which, suit of the plaintiff for mandatory injunction was decreed with cost directing the defendants including present appellant (defendant no.2) to vacate house No.1346/76 Ward No.15, Shiv Colony, Surya Nagar, Near Janta Vidya School, Hisar. It was also held that the plaintiff is entitled to mesne profit. Appeal against the said judgment and decree was dismissed by learned District Judge, Hisar vide judgment dated 2.8.2017.

I have heard learned counsel for the appellant and have also carefully gone through the file.

Plaintiff claims that she has become owner of the house on the

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basis of a decree passed on 23.10.2006 by the Permanent and Continuous Lok Adalat, Hissar. She had given house as a licencee to his brother Manjeet Singh in the year 2007. Defendant no.2 (present appellant) Anita is wife of Manjeet Singh. It is further stated that later on in the year 2004, Anita filed suit against Raghuvir Singh her father-in-law and father of the plaintiff for declaring her to be owner. Therefore, she orally terminated the licence on 28.12.2010 and requested them to vacate the house. Now, she is entitled to the vacant possession of the house along with mesne profit.

Defendants i.e. Husband and wife in the joint written statement claimed that decree is based on fraud and misrepresentation. Before the lower Court, plaintiff proved the decree passed by the Permanent and Continuous Lok Adalat, Hissar. Fraud and misrepresentation claimed by the defendants were never proved. Lower Court held that it was a licence and has been validly terminated. It also comes out that there is close relationship between the parties. Defendant no.1 is real brother of the plaintiff and defendant no.2 is wife of real brother of plaintiff. It being so, it was rightly held by the Courts below that it was a licence to reside in the said house and now the licence has been rightly terminated.

There are concurrent findings of facts of the two Courts below. No question of law arises. Hence, there is no ground to interfere in the concurrent findings of facts recorded by the two Courts below.

Resultantly, the present regular second appeal stands dismissed.

11.01.2018 **(Kuldip Singh)**
gk **Judge**

Whether speaking/ reasoned: Yes
Whether Reportable: No

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