

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

RSA No.2332 of 2017 (O&M)

Date of decision : 21.02.2018

Ram Kishan and another

...Appellants

Versus

Renu Mehta and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Suman Jain, Advocate with
Mr. Shubham Jain, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

The defendants-appellants are in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below.

The plaintiffs had filed a suit for possession of the first floor of the premises with the assertion that the defendants are tenants on the ground floor and they have forcibly taken over the possession of the first floor which was not part of the rented accommodation.

The defendants pleaded that the entire house was taken on rent at the rate of ₹400/- per month in November, 2003.

Both the Courts below after appreciation of the evidence have found that the tenancy is only with regard to the ground floor of the house in question and the defendants-appellants had taken over the possession forcibly. The Court has relied upon the admission of the defendants to the

effect that the first floor of the house has been locked by the father of the plaintiff from outside. The case of the plaintiff is that when the plaintiffs were not in town, the defendants broke open and entered the possession from the rear side.

Both the parties filed the first appeal. The defendants filed the appeal against the decree of possession whereas the plaintiffs filed an appeal against the grant of meager mesne profit.

Learned First Appellate Court after re-appreciating the evidence available on the file, dismissed the appeal filed by the defendants, whereas the appeal filed by the plaintiffs was partly accepted. It is not in dispute that the defendants have been convicted upto the High Court in a criminal case for entering into forcible possession of the suit property.

In view of the aforesaid, this Court does not find any good ground to interfere with the concurrent findings of fact arrived at by both the Courts below. Hence, the Regular Second Appeal is dismissed.

21.02.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No