

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

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RSA-2579-2018 (O&M)
Date of decision: 03.10.2018

BALJIT SINGH

... Appellant

Versus

DIDAR SINGH

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Gagandeep S. Sirphiki, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against the judgments passed by the Courts whereby suit for ejectment of the appellant from two shops, detailed in head note of the plaint and recovery of arrears of rent/compensation for use and occupation for the period from 01.02.2005 to 31.01.2007 amounting to Rs.81,660/- was decreed by the trial Court with the findings that the plaintiff is entitled for recovery of Rs.81,660/- and the appellant/defendant is liable to be ejected from one of the shops ABCD whereas the other shop EFGH has already been vacated by the appellant and possession has been delivered to the plaintiff/respondent.

The judgment and decree passed by the trial Court became subject matter of appeal preferred by the unsuccessful defendant/appellant, disposed of by the Court in appeal whereby judgment and decree passed by the trial Court was modified to the effect that the respondent/plaintiff is entitled to recover Rs.66,600/- from the appellant/defendant apart from his ejectment from shop ABCD in the site plan.

The sole submission made by counsel for the appellant is that the Court in appeal, in para 15 of the judgment, has incorrectly recorded that the appellant did not press the appeal regarding ejectment from shop shown as ABCD in the site plan but he only pressed for reversal of the judgment qua arrears of rent as total recoverable amount is Rs.68,100/-.

I have heard counsel for the appellant, perused the paper book, particularly the judgment passed by the Court in appeal.

The judicial proceedings are to be given sanctity unless there are materials on record sufficient to create a doubt with regard to correctness thereof. The aforesaid plea of the appellant does not get substantiate from any materials on record much less an affidavit of counsel who represented the appellant before the Court in appeal. In this view of the matter, I find it difficult to accept contention of the appellant that the facts noticed, in para 15 of the judgment are incorrect.

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. As the appeal has been decided on merits, application for condonation of delay is of academic relevance only.

No order as to costs.

03.10.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No