

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

RSA No. 3090 of 2018 (O&M)
Date of decision : July 26, 2018

Parmod Kumar

..... Appellant

v.

P.L Forgings Private Limited and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Abhimanyu Kalsy, Advocate
for the appellant.

Ajay Tewari, J (Oral)

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

Brief facts are that the appellant had sought an injunction claiming that he was a tenant on the property in dispute which was owned by respondents No.1 and 2. He further averred that respondent No.3 i.e the State Bank of India was threatening to dis-possess him.

Both the Courts below held that the appellant had not been able to prove himself to be the tenant, and secondly in his testimony the appellant had not given any details regarding threats given by respondent No.3 to dispossess him. Both the Courts further came to the conclusion that there was a probability that the appellant had been set up by respondents No.1 and 2 to derail the proceedings under the SARFAESI Act which had been initiated by respondent No.3 against respondents No.1 and

2. The original rent note was never placed on record. Moreover, no application was filed to lead secondary evidence of the same. The Courts below also found a very strange thing viz that the rent note which was purported to be executed in the year 2006 contained the particulars of the land which were not existing in the year 2006 and came into existence only in 2011. In 2006, Khewat and Khatoni numbers were different but the rent note contained Khewat and Khatoni numbers which were changed in the year 2011. In the totality of the circumstances, I am not persuaded to take a view that the Courts below have erred in any manner. Consequently, this appeal is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

July 26, 2018
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No