

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

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**RSA-517-2017 (O&M)
Date of Decision : 19.9.2018**

Smt. Pushpa Khullar and another

....Appellants

vs.

Rajinder Kumar @Rajinder Pal and another

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.Vipin Mahajan, Advocate
for the appellants.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below decreeing a suit for mandatory injunction filed by the respondent No.1.

The case of the respondent No.1 was that he and respondent No.2 were owners of property in dispute, having purchased from the previous vendor. The appellants who were related to them requested them to permit to stay in the property in dispute for a short while and consequently entered into possession as a licensee. Ultimately, the respondent-landlord wanted them to vacate the premises and issued notice. Since no reply was filed, the instant suit was filed.

The case of the appellants was that they had been inducted as a tenant in premises in the year 1983. They denied that the respondents were the owners and claimed that they had paid rent up to 31.12.2011. In the testimony, however, the appellants admitted that they were closely

related with the respondents. The Courts below noticed that on the one hand, the appellants were claiming that they were tenants and on the other hand, they were claiming that respondents were not the owners yet the appellants had alleged that they had paid rent up to 31.12.02011. Even before me, counsel is not in a position to show me to whom the rent was paid (because as per the appellants the respondents were not the owners). Part of the reason the Courts below held against the appellants was in view of their shifting stand. The Courts below also noticed that onus to prove that respondents were not the owners was on the appellants.

In the totality of the circumstances, I am not persuaded to hold that the findings of the Courts below are either based on no evidence or on such perverse misreading of the evidence so as to render them liable for interference in second appeal.

The appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

19.9.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No