

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CM-13790-C-2018 in/and
RSA-4709-2018 (O&M)
Date of Decision : 26.10.2018

Sita Devi and others

....Appellants

vs.

Krishna Devi

...Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. A.S.Dhindsa, Advocate
for the appellants.

AJAY TEWARI, J. (Oral)

CM-13790-C-2018

This is application for early hearing of the main case.

For the reasons recorded the application, the same is allowed
and the case is taken up for hearing today itself.

Main Case

This appeal has been filed against the concurrent judgments of
the Courts below decreeing a suit for mandatory/permanent injunction
directing the respondent to vacate two rooms of the house.

The case of the respondent was that she had purchased the
property and had allowed the appellant No.1 (her daughter-in-law) to reside
in two rooms but subsequently the appellant No.1 started misbehaving with
her and even filed a criminal case against her and consequently, she had
terminated the licence.

The case of the appellants on the other hand was that the property in dispute had been purchased out of the Joint Hindu Family Funds and being a member of Joint Hindu family she is entitled to stay there. As per the appellant No.1, earlier the parties were living in the ancestral house at village Ajrana which was sold for the purchase of this property. It was also stated that the compensation which she had received for the death of her husband in an accident had also been pooled in by her for the purchase of that house.

Both the Courts below noticed that the appellant No.1 had herself admitted in her cross examination that the house in Ajrana was sold in the year 2010 while the property in dispute was purchased in the year 2009. The Courts below also noticed that no evidence was led regarding any amount which was pooled in out of the compensation amount for building of the disputed house. In the appeal, learned counsel has argued that the respondent had herself admitted in her cross examination that the house in Ajrana was sold prior to the purchase of the present plot and this fact has been ignored by the Courts below. Learned counsel is however also not in a position to deny that in her cross-examination, the appellant had stated that house at Ajrana was sold in the year 2010. In the circumstances, though the respondent may have made an admission against her own case, similarly the appellant No.1 had also made an admission against her own case.

Looked at it from this angle, 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 justify interference of this

Court in second appeal.

Consequently, the appeal stands dismissed.

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

26.10.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No