

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

155

RSA No.4976 of 2018 (O&M)

Date of decision: 05.09.2018

BSNL and another

..... Appellants

Versus

Anil Kumar

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Naveen Chopra, Advocate
for the appellants.

ANIL KSHETARPAL, J. (ORAL)

CM-13567-C-2018

Application is allowed and the delay in re-filing the appeal is
condoned.

Main Case

Defendants-appellants are in the regular second appeal against
the concurrent finding of fact arrived at by the Courts below.

It is undisputed that contractual period of tenancy has since
elapsed. The property is situated in the village and provisions of Haryana
Urban (Control of Rent and Eviction) Act, 1973 are not applicable as they
are only applicable in urban areas or to the area notified as such under the
Act. It is further not in dispute that the property is not an agriculture
property and therefore, a tenant does not have protection of the provisions
of Punjab Tenancy Act, 1887 read with provisions of Punjab Security of
Land Tenures Act, 1953.

Learned counsel for the appellants does not dispute that the contractual period of tenancy has since elapsed and there is no fresh lease executed between the parties. There was a provision in the lease deed for extension of the period of the lease with the consent of the parties, however, it is admitted case that the consensus could not be arrived at.

Keeping in view the aforesaid facts, this Court does not find any good ground to interfere with the concurrent finding of fact arrived at by the Courts below.

The pending miscellaneous application, if any, shall stands disposed of accordingly.

Appeal is dismissed.

05.09.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No