

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

114

**RSA-894-2017 (O&M)
Date of Decision : 5.10.2018**

Ashok Kumar

..... Appellant

Versus

Shanti Devi and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Kumar Vishav Aggarwal, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

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

The case of the appellant was that originally he had taken one portion of the first floor on rent in SCF No.11, Subzi Mandi, Sector-26, Chandigarh from the predecessor-in-interest of the respondents. Thereafter, he entered into a partnership with the respondents. The partnership came to an end in the year 2009. He continued in possession and further averred that in the year 2009 the respondents had forcibly taken away possession of half of the portion which was under his occupation and sought injunction restraining the respondent from dispossession in due course of law.

The case of the respondents was that the appellant had never been a tenant but accepted that they were his partners.

Both the Courts below having dismissed the suit the appellant is before this Court.

Learned counsel for the appellant is not in a position to deny that the alleged rent note which the appellant propounded was not proved. It is however his contention that even after the partnership with the respondents came to an end he had entered into fresh partnership with some other persons and it was only on the verification of his possession that a licence was issued by the Market Committee.

In my considered opinion, this appeal must fail.

Once the appellant was not able to prove any antecedent interest (by way of tenancy) it has to be held that whatever right, title or interest the appellant had in the property came about as a result of the partnership. Once the partnership came to an end the property obviously reverted to the owners. The plea that after the partnership ended licence was renewed in favour of new partner after verification has not been established by any evidence.

In the circumstances, no fault can be found with the judgments of the Courts below. The appeal stands dismissed.

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

5.10.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No