

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

RSA-198-2013 (O&M)

Date of decision: 20.08.2019

Naresh Kumar

..... Appellant

Versus

Amarjit Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Tribhuvan Singla, Advocate for the appellant.

Mr. Naveen Sharma, Advocate for

Mr. Ramesh Sharma, Advocate for respondent No. 4.

Respondents No. 2 and 3 already proceeded *ex parte*
vide order dated 01.05.2015.

RAMENDRA JAIN, J. (ORAL)

Un-successful-plaintiff has preferred the instant regular second appeal against dismissal of his appeal as well as suit vide judgments and decrees dated 01.12.2012 (Ist Appellate Court) and 21.04.2011 (trial Court), respectively.

Briefly, appellant-plaintiff claiming himself to be a tenant over the demised shop, initially owned by Shiv Kumar Sahota, deceased father of respondents No. 1 to 3, filed a suit for permanent injunction against his landlord and respondent No. 4-Santokh Singh-Vendee, who obtained a decree for specific performance against the father of respondents No. 1 to 3, pleading that he was regularly paying rent, therefore, could not have been evicted except in due course of law. The trial Court after holding trial, dismissed his suit vide judgment and decree

dated 21.04.2011.

Being aggrieved, appellant approached the Ist Appellate Court, but remained un-successful as his appeal too was dismissed vide judgment and decree dated 01.12.2012.

Learned counsel for the appellant *inter alia* contends that both the Courts below have failed to appreciate that appellant could not have been evicted from the demised shop except in due course of law.

On the other hand, learned counsel for respondent No. 4 vehemently opposing the above submission of learned counsel for the appellant, pleaded the legality and validity of judgments and decrees of both the Courts below.

Having given thoughtful consideration to the rival submissions, this Court is of the view that the instant appeal merits dismissal for the simple reason that respondents are not evicting the appellant forcibly or illegally, rather have sought his eviction in a execution of a valid decree for specific performance obtained by respondent No. 4.

No question of law much less substantial has been raised in the appeal. Hence, the same is held not maintainable.

I have carefully gone through the judgments of both the Courts below and find no illegality or perversity in the same.

The instant appeal, being meritless, is dismissed.

August 20, 2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No