

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.5453 of 2017 (O&M)

Date of Decision: May 10, 2019

Mohinder Kaur & another

...Appellants

Versus

Major Singh & another

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Vijay Rana, Advocate,
for the appellants.

AMIT RAWAL, J. (Oral)

CM No.14499-C of 2017

For the reasons mentioned in the application, which is supported by an affidavit, delay of 52 days in re-filing the appeal is condoned.

CM stands disposed of.

RSA No.5453 of 2017

The short point involved in the present Regular Second Appeal is whether the appellant-defendants can forcibly evict the respondent-plaintiffs, who are stating themselves to be tenants, but, according to the appellant-defendants, are unauthorised occupants in the absence of entry qua payment of rent, the answer would be 'No'. The remedy lies to seek eviction in accordance with law and under the provisions of Section 9 of the Punjab Security of Land Tenures Act.

The revenue record placed on record reveals the possession of

the plaintiffs. The defence of the defendants having taken the possession two years back was not reflected in the revenue record. Decretal of the suit by granting innocuous injunction is justified.

For the reasons mentioned above, no ground for interference is made out, much less involvement of any Substantial Question of Law. Resultantly, the appeal is dismissed.

May 10, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No