

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM Nos.1 & 2 of 2019 in/and
RSA No.1 of 2019 (O&M)
Date of decision : 02.01.2019

Jagir Singh (since deceased) through LRs

..... Appellants

Versus

Punjab Wakf Board and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Neetu Singh, Advocate for the appellants.

KULDIP SINGH J. (ORAL)

CM No.1 of 2019

Counsel for the applicant(s)-appellant(s) is allowed to make good the deficiency of the Court fee.

Application stands disposed of.

CM No. 2 of 2019

Application is allowed, as prayed for, subject to all just exceptions.

Delay of 53 days in filing the appeal is condoned.

Application stands disposed of.

RSA No.1 of 2019 (O&M)

This is a Regular Second Appeal against judgment dated 25.07.2018, passed by learned District Judge, Kapurthala affirming the

judgment and decree dated 15.12.2014, passed by learned Civil Judge (Senior Division), Phagwara vide which the suit of the plaintiff-respondent- Punjab Wakf Board, was decreed for possession and recovery of mesne profits as well as permanent injunction.

In nut shell, the case of the plaintiff-respondent/Punjab Wakf Board was that it is the owner of the disputed property and the same was given on lease to defendant No.1 till the year 2007. Thereafter, lease was never got renewed. Defendant No.1 released further sublet of the property to defendant No.2 without any right. Now the defendants are in illegal possession.

Before the trial Court, defendant No.2 did not appear whereas defendant No.1 appeared and admitted that the property was on lease. He claimed that defendant No.2 is cultivating on his behalf. The subletting was denied.

After framing of the issues plaintiff lead his evidence to prove his case whereas defendant No.1 failed to lead any evidence and evidence of defendant No.1 was closed by orders.

I have heard learned counsel for the appellants and carefully gone through the file.

In this case, there are concurrent findings of facts recorded by two Courts below. The ownership of the Punjab Wakf Board is not denied by defendant No.1. The lease also not denied. Defendant No.1 does not claim that he has renewed the lease after 2007. Therefore, his possession is now illegal. Defendant No.2 is in possession either on behalf of defendant No.1 or as a sublessee. Findings of facts have been

recorded by both the Courts below. No law point arises. There is no illegality in the judgment passed by both the Courts below i.e. judgment dated 25.07.2018, passed by learned District Judge, Kapurthala affirming the judgment and decree dated 15.12.2014, passed by learned Civil Judge (Senior Division), Phagwara.

According Appeal is dismissed.

**(KULDIP SINGH)
JUDGE**

02.01.2019
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Whether speaking / reasoned	Yes
Whether Reportable:	No