

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

**RSA No. 9635 of 2018 (O&M)
Date of decision: 16.11.2019**

Jagat Narayan

... Appellant

Versus

Sanjeev Kumar and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present: Mr. Upender Prasher, Advocate,
for the appellant.

ARUN PALLI, J. (Oral)

The suit filed by the appellant-plaintiff was dismissed by the trial court, vide judgment and decree dated 19.7.2017, and as even the appeal preferred against the said decree failed and was dismissed on 27.7.2018, he is before this Court in Regular Second Appeal. Parties to the lis, hereinafter, shall be referred to by their original positions in the suit.

Plaintiff filed a suit for possession of one room, miani, one bathroom-cum-toilet that formed part of property bearing No. 1059 situated at Abadi Ram Nagar Colony, Tehsil and District Amritsar. In brief, the case set out by him was that he was owner of the suit property. Defendant No.1 is his son, whereas defendant No.2 is his daughter-in-law. The possession of defendants over a part of the suit property was of a licensee. But, as the defendants were of quarrelsome nature, the plaintiff terminated the licence. Thus, the suit.

In the written statement filed by defendants, it was pleaded, *inter alia*, that present suit was filed only to cause harassment to defendants. Relationship between the parties was admitted. It was disputed if the plaintiff was the owner of the suit property.

Upon consideration of the matter in issue and evidence on record, both the courts concurrently concluded that for the plaintiff to succeed, he was required to show that he was owner of the suit property and held valid title thereto. Further, the defendants were in possession as licensee. However, the plaintiff failed to lead any evidence to prove his ownership qua the suit property. Undoubtedly, the plaintiff brought on record a document (Mark B), which was a xerox copy of the sale deed to prove his title, but the said document could not be read in evidence. For the plaintiff failed to prove the same, in terms of the provisions of the Evidence Act. Once the plaintiff failed to prove that he was owner of the suit property, his claim for possession could not be countenanced. Thus, suit was liable to be dismissed.

Upon being pointedly asked, learned counsel for the appellant could not refer to anything on record to show if the conclusions arrived at were either contrary to the record or suffered from any material illegality. No ground is made out to interfere with the concurrent findings recorded by both the courts. The appeal being devoid of merit, is accordingly dismissed.

(ARUN PALLI)
JUDGE

November 16, 2019

AK Sharma

Whether speaking / reasoned:

YES

Whether Reportable:

YES/NO