

111 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.1442 OF 2020 (O&M)

Date of Decision:29.06.2020

PARAMOUNT INTERNATIONAL PUBLIC SCHOOL

...Appellant

Versus

SADHU SINGH

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Kuldeep Singh Saini, Advocate for the appellant.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

The respondent/plaintiff filed a suit for mandatory injunction for directing the appellant/defendant to hand over to him possession of mini bus bearing registration No. PB-12K-4397 (for short the vehicle in question). Recovery of ₹8,40,000/- towards rent for usage of the vehicle in question, along with future interest, was also claimed.

The case set up by the respondent/plaintiff was that he was the owner of the vehicle in question which through an agreement dated 27.03.2007 had been taken on lease by the appellant/defendant on an agreed rate of rent of Rs.20,000/- per month. It was submitted that the appellant had paid rent till March 2012 but thereafter it continued to use the vehicle in question without paying any rent.

On being put to notice by the Trial Court, the appellant/defendant put in appearance and filed a written statement through which several preliminary objections including that the suit was barred by limitation were raised. On merits, it was primarily submitted that after 24.03.2012 the vehicle

in question was not in the possession of the appellant and therefore there was no question of paying any rent to the plaintiff/respondent after such date.

Both parties led evidence in support of their respective claims and after sifting of the same the Trial Court was of the opinion that there was merit in the respondent's claim. Accordingly, his suit was decreed. The appellant filed an appeal against such judgment and decree which was dismissed by the Additional District Judge, Rupnagar. It is in these circumstances that the present second appeal has been preferred by the appellant/defendant.

Learned counsel for the appellant has been heard.

It is the admitted position that on 27.03.2007 both parties had entered into an agreement through which the appellant took on lease the vehicle in question from the respondent for transporting children of the school being managed and run by the appellant. It is further not disputed that the rate of the rent agreed to between the parties for usage of the vehicle in question was Rs.20,000/- per month and that till 24.03.2012 the appellant was using the vehicle in question and also paying to the respondent the agreed rent.

The appellant disputes being in possession of the vehicle in question after 24.03.2012. However, the evidence on record clearly reveals that on 08.10.2013 an affidavit had been submitted by the appellant before the State authorities in which the vehicle in question was duly mentioned to be in its possession and that in January 2015, for violation of rules, when the DTO Rupnagar imposed a fine of Rs.15,000/- the same was deposited out of the funds of the appellant-institution.

Further while appearing before the Trial Court, a former Principal of the appellant-institution had categorically stated that the vehicle in question

remained in possession of the appellant-institution till May 2016.

Surinder Singh who was employed as a driver with the appellant-institution had also deposed before the Trial Court that till 26.05.2016 the vehicle in question was being used by the appellant-institution. The above depositions remained unrebutted at the hands of the appellant.

After sifting the afore referred evidence the Trial Court as also the First Appellate Court categorically held that from 24.03.2012 to 23.05.2016 the vehicle in question remained in the possession of the appellant-institution and that during such period the appellant-institution failed to pay any rent to the respondent. Accordingly, directions were issued to the appellant to pay to the respondent the agreed rent for the aforesaid period which was ₹20,000/- per month along with the interest.

The only argument raised by the learned counsel for the appellant was that the respondent's suit was liable to be rejected by the Trial Court on the ground that the same was barred by time is a submission which needs to be considered only to be rejected as the respondent's suit was filed on 15.10.2015 and the evidence on record has revealed that the vehicle in question till 26.05.2016 was in the appellant's possession.

In view of the above, the concurrent findings of fact returned by the Trial Court as also the first Appellate Court warrant no interference.

No question of law much less any substantial question of law is also found to arise in the present second appeal.

Dismissed.

(DEEPAK SIBAL)
JUDGE

June 29, 2020

Jyoti Whether speaking/reasoned Yes/No Whether Reportable Yes/No