

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

LPA-2071-2019 (O&M)

Date of decision:- 06.01.2020

Surjit Kaur and others

...Appellants

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. Deepak Goyal, Advocate,
for the appellants.

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RAVI SHANKER JHA, C.J. (ORAL)

This appeal has been filed by the appellants being aggrieved by an order dated 21.11.2019 passed by the learned Single Judge in CWP-33846-2019 dismissing the petition filed by the petitioners against an order dated 15.04.2019 passed by the Sub Divisional Magistrate, Sangrur under Sections 5 and 7 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 ordering eviction of the appellants as also the order dated 15.10.2019 passed by the Appellate Authority affirming the order of eviction.

Learned counsel for the appellants submits that the learned Single Bench has failed to take into consideration the fact that predecessor-in-interest of the appellants took over possession of the house in question in the year 1955 and thereafter Bhag Singh husband of appellant No. 1 and father of appellants No. 2 and 3 with his family has been in possession of the disputed property and, therefore, perfected his title on account of adverse possession.

We have heard learned counsel for the appellants at length and perused the order passed by the learned Single Bench.

The learned Single Bench has taken note of the judgement and decree dated 16.10.1995 passed by the Additional Senior Sub Judge, Sangrur, in Civil Suit No. 930 of 1991 filed by Bhag Singh seeking permanent injunction. The learned Single Judge has taken note of the findings recorded by the Civil Court in paragraph 6 of the impugned order that claim for permanent injunction raised by Bhag Singh on the basis of ownership was rejected by the Civil Court. Further, as Issues No. 1 to 3 were decided against Bhag Singh and it was held that he was not the owner of the suit property and was only a tenant, he could not deny the title of his landlord under Section 116 of the Indian Evidence Act, 1872. Over Issue No. 4, the trial Court specifically and clearly held that the suit property in fact belonged to the PWD Department and was let out to Bhag Singh as a tenant when he was in service. However, as Bhag Singh was in possession of the property in question, the suit was decreed to the extent that he may be evicted by adopting the procedure prescribed by law. Accordingly, the learned Single Judge observed that the authorities pursuant to the decree passed by the trial Court initiated proceedings against Bhag Singh under Sections 5 and 7 of the Punjab Public Premises Act, 1973, whereupon the orders of eviction have been passed against him which are apparently in accordance with the procedure prescribed by law as also the order dated 16.10.1995 passed by the Civil Court in Suit No. 930 of 1991 filed by Bhag Singh.

Having perused the record, it is apparent that finding recorded by the learned Single Judge is based on the

facts and documents on record and does not suffer from any perversity or illegality warranting any interference by this Court particularly in view of the decree dated 16.10.1995 passed in the civil suit filed by Bhag Singh himself which has attained finality and was binding upon him.

Thus, the appeal filed by the appellants being meritless is accordingly dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

06.01.2020
Anodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No