

In the High Court of Punjab and Haryana, at Chandigarh

Regular Second Appeal No. 169 of 2021 (O&M)

Date of Decision: 23.03.2021

Jaspreet Singh

... Appellant(s)

Versus

Jatinder Kumar

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Parminder Singh Kanwar, Advocate
for the appellant.

Anil Kshetarpal, J.

The defendant/appellant was a tenant in the disputed premises. After terminating the tenancy by serving a notice, the suit for delivery of vacant possession was filed by the plaintiff-owner. The defendant contested the suit on the ground that his sister Smt. Harkamal Jit Kaur is infact the tenant of the demised premises. Both the Courts below, on appreciation of evidence, have found that it was the defendant/appellant who was the tenant of the premises in dispute and the tenancy was terminated after serving a notice. It is not in dispute that neither the provisions of the East Punjab Urban Rent Restriction Act, 1949 nor the provisions of the Punjab Rent Act, 1995 are applicable to the tenanted property in dispute. Therefore, the tenant does not have any protection of the rent laws. Smt. Harkamal Jit Kaur is married and resides at far away place. She has appeared in evidence and admitted that her brother Jaspreet Singh (defendant/appellant) used to work for Pearless company in the demised premises and has also started running a

PCO.

Keeping in view the aforesaid facts, this Court does not find any error in the finding recorded by the Courts below.

Learned counsel representing the appellant submits that the appellant is now settled in the foreign land and therefore, he is not in possession of the demised premises. If that be so, the appeal filed by the appellant is misconceived.

Hence, this appeal is dismissed.

The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

March 23, 2021

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No