

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

106

**CR-7010 of 2016 (O&M)
Date of decision: 13.12.2022**

Parvesh Kumar

..Petitioner

Versus

Kashyap Rajput Dharamshala

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. M.S.Khillan, Advocate
for the petitioner.

Mr. Abhishek Goel, Advocate
for the respondent.

ANIL KSHETARPAL, J(Oral)

The petitioner herein is a plaintiff in a suit filed under Section 6 of the Specific Relief Act, 1963 (hereinafter referred to as 'the 1963 Act'). While complaining forcible dispossession by the respondent-Society, the petitioner has filed a suit. He claims to be a tenant in the shop no.7. It has come in evidence that the plaintiff failed to prove his forcible dispossession which is *sine qua non* for filing the suit under Section 6 of the 1963 Act. Though, it is proved that the petitioner was in possession as the tenant, however, he parted with the possession in favour of Sh. Rinku. It is the case of the respondent that Sh. Rinku was inducted by the petitioner as sub-tenant without the permission of the landlord. Sh. Rinku has surrendered the possession to the respondent-Society.

The learned counsel representing the petitioner submits that Sh. Rinku has not come forward to face cross-examination, therefore, his evidence cannot be relied upon. It is the case of the plaintiff, which has to stand on its own legs. He is required to prove that he was forcibly dispossessed for maintaining a suit under Section 6 of the 1963 Act.

The petitioner has failed to produce any sale tax registration or invoice to prove that he was in possession in the year 2013.

The scope of interference by this Court in the revisional jurisdiction is limited. Hence no ground to interfere.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

December 13, 2022

(ANIL KSHETARPAL)
JUDGE

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