

138

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

RSA No.1030 of 2021(O&M)
Date of Decision: 22.02.2022

Naresh Kumar

-Appellant

Versus

Krishan Dutt (Now deceased through his LRs) and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Chander Pal Tiwana, Advocate,
for the appellant.

RAJ MOHAN SINGH, J. (Oral)

[1]. Plaintiff/Appellant is in regular second appeal against the concurrent judgments and decrees passed by the Courts below in a suit for permanent injunction.

[2]. Plaintiff/appellant filed a suit for permanent injunction, seeking to restrain the defendants from interfering in his peaceful possession over house marked by letters 'ABCD' in the site plan measuring 600 sq. yards. Plaintiff pleaded that he had purchased the suit property from Pataso Devi, vide General Power of Attorney executed in favour of Madhusudhan and full and final payment was made to the defendants and possession thereof was delivered to the appellant on 31.12.2006. Plaintiff had constructed the house on the suit property by spending

huge money.

[3]. Defendants contested the suit and also set up a counter claim.

[4]. The Courts below have found that the document relied upon by the plaintiff is mere an agreement to sell. The title vests in the defendants as owners. Plaintiff has admitted that the plaintiff is occupying the land as licensee/watchman.

[5]. It is a settled principle of law that no specific notice to terminate the licence is required. The filing of suit itself is a constructive notice in the light of counter claim filed by the defendants. The plaintiff being a licensee/watchman cannot injunct the true owner by way of seeking permanent injunction. The legitimate owner of the property i.e. defendants have revoked the licence and the Courts below have rightly decreed the counter claim thereby granting decree of mandatory injunction in favour of the defendants.

[6]. No law point worth consideration is involved in the present regular second appeal. The present appeal is found to be totally devoid of merits and is accordingly dismissed.

22.02.2022
Prince

(RAJ MOHAN SINGH)
JUDGE

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