

RSA-434-2022 (O&M)

Date of Decision: 02.03.2022

Vijay Kumar

....Appellant

VS

Lal Chand Gupta

....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Tarun Vashist, Advocate with
Mr. Shoryaveer Vashist, Advocate for the appellant

SUDHIR MITTAL, J. (Oral)

The suit was filed for possession of a shop from the tenant. The suit has been decreed and appeal has been dismissed.

Learned counsel for the appellant has argued that the identity of the property was not proved by the plaintiff and, thus, the Courts below were in error in decreeing the suit.

The argument can not be accepted. The appellate Court has clearly held that the shop is fully described in the plaint and the site plaint is on record as Ex. P-1 and the same has not been disputed by the defendant. Even the khasra number has been given and the same corresponds with the revenue record.

The above finding is said to be erroneous on the ground that an objection was raised in the written statement that the plaintiff was not the owner of the shop in dispute. The two issues are not related in any manner and, thus, the argument can not be accepted. No argument has been raised based upon the plaintiff not being the owner.

In view of the above, the appeal has no merit and is dismissed.

Pending application(s), if any, also stands disposed of

02.03.2022

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(SUDHIR MITTAL)
JUDGE