

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

137

**RSA-466-2020(O&M)
Date of decision: 23.08.2022**

VIJAY KUMAR AND ORS

..Appellants

Versus

MANJU RANI AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Narinder Sharma, Advocate
for the appellants.

ANIL KSHETARPAL, J(Oral)

The legal representatives of defendant No.1(A) assail the concurrent findings of fact arrived at by the Courts below while decreeing the plaintiffs suit for decree of possession along with recovery of use and occupation charges of the property. Admittedly, the plaintiffs are the registered owners of the property in view of the sale deed No.3671 and 3672 dated 06.10.1979. Defendant No.1(A)(i), (v) and (vi) claim that they are not in possession, whereas, defendant No.1(a)(ii)(iii) and (iv) claim that they are in permissive possession of the property as per the fiduciary agreement between defendant No.2. Both the Courts on appreciation of evidence have found that the possession of the defendants is unauthorized. The plaintiffs have never authorized the appellants to remain in possession. Thus, both the Courts have decreed the suit.

This Bench has heard the learned counsel representing the appellant.

The learned counsel representing the appellant submits that the appellants have already handed over the vacant possession to Sh. Vinod Kapoor (proforma respondent No.3), therefore, the appellants cannot be burdened with use and occupation charges of the property.

The plaintiffs being the registered owners filed the suit for possession. In such circumstances, the appellants were not justified in handing over the possession, if any, to respondent No.3.

Hence, no ground to interfere is made out.

Dismissed.

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

August 23rd, 2022
Ay

(ANIL KSHETARPAL)
JUDGE

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