

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

118

RSA-528-2023

Date of Decision :27.02.2023

Dharambir**...Appellant****Versus****Suresh Kumar and others****...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI****Present:-** Mr. S. K Tripathi, Advocate for the appellant.

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Harsimran Singh Sethi, J. (Oral)

In the present regular second appeal, the challenge is to judgment and decree dated 06.03.2017 passed by the trial Court by which, the suit filed by the respondent-plaintiff seeking possession of the property in question was allowed as well as to the judgment and decree dated 18.01.2023 by which, the appeal preferred by the appellant-defendant has been dismissed by the Lower Appellate Court.

Learned counsel for the appellant-defendant argues that the findings of the Courts below are perverse.

On being asked to prove the said argument, learned counsel for the appellant-defendant has not been able to point out any perversity in the findings of the Courts below.

Learned counsel for the appellant-defendant argues that stand taken by the appellant-defendant that the property in question was on rent from the original owner namely, Ramdei @ 530/- has not been appreciated by the Courts below in a correct perspective.

On being asked, as to what evidence has come on record to

prove that Ramdei had rented out the property in question to the appellant-defendant, learned counsel for the appellant-defendant concedes that the said agreement was not in writing but was oral only. Further, learned counsel for the appellant-defendant was requested to point out evidence with regard to the payment of rent in question as being alleged, learned counsel for the appellant-defendant concedes the factum that no evidence has come on record to prove the factum of payment of rent by the appellant-defendant even as per the oral agreement.

That being so, the findings recorded by the Courts below that once appellant-defendant conceded the factum that Ramdei was owner of the property in question and the same was given to the father of the plaintiff in whose favour mutation has already been entered, there is no evidence on record showing the appellant-defendant as tenant of the said property or the payment of rent hence, the findings recorded by the Courts below that appellant-defendant has failed to prove himself as tenant of the property in question, cannot be treated as perverse.

No other argument has been raised.

Keeping in view the above, no perversity has been pointed by the learned counsel for the appellant-defendant in the findings recorded by the Court below qua the facts or evidence on record hence, no interference by this Court is called for and the appeal is accordingly dismissed.

February 27, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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