

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

RSA-2140-2022(O&M)

Date of order:-18.4.2023

Kuljeet Sudan

...Appellant

Versus

Virender Sudan and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Munish Puri, Advocate
for the appellant.

H.S. MADAAN, J.

1. A suit had been filed by plaintiffs Virender Sudan, Jatinder Sudan and Anil Sudan, all sons of Charanjit Lal Sudan, residents of 414, Jeewan Shah Mohalla, Veer Marg, Jammu Tawi, Jammu (J&K) against defendants Kuljeet Sudan – son and Smt.Sudarshan Sudan – wife of Des Raj Sudan, both residents of Prem Nagar, Daulatpur, Tehsil & District Pathankot, seeking a decree for mandatory injunction directing the defendants to hand over the vacant possession of the residential house situated at village Daulatpur, Tehsil and District Pathankot as well as seeking a decree for permanent injunction restraining the defendants and persons claiming under them from changing the nature of the suit property in any manner.

2. That suit after contest was decreed by the Court of Civil Judge(Jr.Divn.), Pathankot vide judgment and decree dated 22.1.2020.

3. The defendants preferred an appeal against the judgment and decree passed by the trial Court before District Judge, Pathankot. However, the said appeal was dismissed by learned District Judge, Pathankot vide judgment and decree dated 12.11.2021.

4. The judgments and decrees passed by the trial Court as well as learned District Judge, Pathankot are being challenged in the present regular second appeal filed by defendant Kuljeet Sudan.

5. After hearing learned counsel for the appellant/defendant and going through the record, I find that there is no merit in the appeal. Both the Courts below in view of the pleadings of the parties, evidence brought on record by them as well as the settled legal position have come to the conclusion that plaintiffs are owners of the suit property by way of their inheritance of share of Narvada Devi, the previous owner, who happened to be their mother and defendants were allowed to reside in the suit property as licensee in April, 2000 as they were not having any house to reside, however their licence was revoked on 1.2.2017, thereafter, they have no right to remain in possession of the suit property and are liable to vacate the same. The version set up by the defendants that they have become owners by way of adverse possession was considered but rejected.

6. The judgments and decrees passed by the Courts below are quite detailed and well reasoned, based on proper appraisal of evidence and correct interpretation of law, which do not call for any interference.

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- 7. No substantial question of law or fact arises in this appeal.
- 8. The appeal stands dismissed with costs accordingly.

Since the main appeal stands dismissed, the miscellaneous application(s), if any, stand disposed of accordingly.

18.4.2023 (H.S.MADAAN)
Brij JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No