

2024:PHHC:048481

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

RSA-2878-2019 (O&M)
Date of decision: 09.04.2024

Massa Singh (now deceased) through LR
....Appellant

Versus

Gurcharan Singh
..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. B.S.Jaswal, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

1. This is the plaintiff's Regular Second Appeal against the concurrent findings of fact arrived by the courts below while dismissing his suit for possession by way of ejectment of a tenant from the shop. The plaintiff claims that the defendant is in possession as a tenant and the tenancy has been terminated by serving a notice under Section 106 of the Transfer of Property Act, 1882. The defendant, while contesting the suit, claims that the suit is barred under Section 11 of the Code of Civil Procedure, 1908 as defendant had filed a previous suit against the plaintiff, which was decreed on 21.08.2012 and defendant is in possession as an owner. The trial court dismissed the suit, which has been affirmed by the First Appellate Court. It has been found that the plaintiff has failed to prove that he is owner and he ever inducted the defendant as tenant.
2. Though, the learned counsel representing the appellant made sincere attempt, however, failed to draw the attention of the Court

to any substantive mis-reading, non-reading or perversity in the judgments passed by the courts below.

3. Keeping in view the aforesaid facts, no ground to interfere is made out.

4. Hence, dismissed.

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

09.04.2024
rekha
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE