

2024:PHHC:139207



S. No.121

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.3106 of 2024
Date of Decision:23.10.2024

Surjit KaurPetitioner
Vs.
Kirpal Singh @ Karam SinghRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. G.S. Kuka, Advocate for the petitioner.

DEEPAK GUPTA, J. (Oral)

During pendency of the Civil Suit bearing CIS No.CS/679/2023 titled as "Surjit Kaur Vs. Kirpal Singh alias Karam Singh", an application under Order 39 Rules 1 and 2 CPC was moved by the plaintiff- Surjit Kaur (petitioner herein) which was dismissed by the trial Court vide order dated 21.08.2023. Said order has been affirmed by the Appellate Authority vide order dated 05.04.2024 (Annexure P.3).

2. Assailing the afore-said finding, it is contended by learned counsel that the petitioner is in possession of the disputed shop and that she had even deposited the electricity bill.

3. However, learned counsel for the petitioner failed to convince this Court regarding the possession of the petitioner as he failed to point out towards any document to indicate the possession of the petitioner. As has been observed by the Courts below, that it is the sister of the petitioner who was in possession of the disputed shop. Earlier, the father of the plaintiff was in possession, who had executed a Will dated 25.06.2020 in favour of Harjit Kaur i.e. the sister of plaintiff. The plaintiff was disinherited by her father as she had performed marriage against his wishes. Later on, the shop was returned by sister of the petitioner to the owner Thakur Dwara Gaddi Bawa Lal Ji vide affidavit dated 20.08.2021. The owner subsequently rented out the shop to the defendant @1,000/- per month and thus, it is now the



defendant, who is in possession of the shop since 20.08.2021 onwards as authorised tenant.

4. No illegality or perversity could be pointed out in the impugned orders. As such finding no merit in the present petition, the same is hereby dismissed.

October 23, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No