



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

203

RSA-1051-1998 (O&M)

Date of decision: 24.02.2025

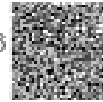
JADEEP SINGH**..Appellant****Versus****CHARAN KAUR****..Respondent****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Tushar Gera, Advocate
for Mr. Babbar Bhan, Advocate
for the appellant.

Mr. S.S. Rangi, Advocate
Ms. Sukhanpreet K. Rangi, Advocate
Ms. Kawaljit Kaur Dhillon, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

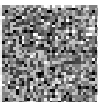
1. This is the defendants second appeal against the judgment of the First Appellate Court, which in turn has reversed the trial Court's judgment.
2. In order to comprehend the issues involved in the present case, the relevant facts, in brief, are required to be noticed.
3. Late Sh. Lakha Singh was owner of the property measuring 10 bighas and 7 biswas. He inducted the appellant/his predecessors as lessees over the agricultural land. Subsequently, Sh. Lakha Singh died. The property was mutated in favour of Sh. Mehar Singh and Sh. Charan Kaur, children of Sh. Lakha Singh. Previously, the appellant filed Civil Suit No.176 dated 15.01.1993 for grant of decree of permanent injunction, which was withdrawn as the plaintiff (respondent herein) suffered statement that she will not dispossess the appellant except in due course of law. Subsequently, the respondent filed Civil Suit No.365 of 17.08.1983 for possession of 4



bighas and 8 biswas of land on the ground that the aforesaid property has come to her share and the possession of the appellant is unauthorized. The trial Court dismissed her suit, however, the First Appellate Court has reversed the decree on the ground that the property has fallen to the share of the respondent. The appellants are no longer the tenants in possession as landlord-tenant relationship does not exist.

4. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

5. Once, it is proved on file that Sh. Lakha Singh, the original owner, inducted the appellant or their predecessor as tenant, on his death, the appellant became tenant under heirs of Sh. Lakha Singh. There is a single tenancy in favour of the appellants. On the death of Sh. Lakha Singh, the tenancy would not be splitted. The appellants being tenants are entitled to continue in possession till the competent Court passes an order of eviction against them. In the State of Punjab and Haryana, the eviction of an agricultural tenant is permissible as per the provisions of Punjab Tenancy Act, 1887 read with provisions of the Punjab Security of Land Tenures Act, 1953. The First Appellate Court has erred in observing that the respondent never inducted the appellant as a tenant and hence, the possession of the appellant is unauthorized. Even if the appellants were inducted by her brother Sh. Mehar Singh, still the relationship of landlord and tenant began because Sh. Mehar Singh being co-sharer was entitled to induct the tenant. The First Appellate Court has also erred in observing that since there is a partition between brother and sister namely Sh. Mehar Singh and Smt. Charan Kaur, hence, the appellants would not be tenants over the share of Smt. Charan Kaur. The view taken by the First Appellate Court is erroneous.



6. The appellants would became tenants under the respondent after the partition of the property.
7. Hence, the appeal is allowed. The judgment of the First Appellate Court is set aside and that of the trial Court is restored.
8. All the pending miscellaneous applications, if any, are also disposed of.

February 24th, 2025

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(ANIL KSHETARPAL)
JUDGE

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