



RSA-5583-2014 (O&M)

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

**CM-13279-C-2014 in/and
RSA-5583-2014 (O&M)
Date of decision : 10.12.2025**

Suresh Chand Gaur

..... Appellant

Versus

Chander & ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Anand Singh, Advocate
for the appellant.

Mr. Virender Kumar, Advocate
for respondent No.1.

PANKAJ JAIN, J. (ORAL)

CM-13279-C-2014

This is an application seeking condonation of delay of 17 days in filing the present appeal.

For the reasons recorded in the application, this Court is satisfied that the applicant-appellant has shown sufficient cause to condone the delay in filing the appeal.

Application is allowed. Delay of 17 days in filing the appeal is condoned.

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1 Appellant-plaintiff is in second appeal. For convenience parties hereinafter are referred to by their original position in the suit, i.e. the appellant as plaintiff and the respondents as defendants.

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2 Plaintiff is in appeal aggrieved of the judgment and decree passed by the Lower Appellate Court.

3 Plaintiff filed a suit seeking decree of mandatory injunction, along with consequential relief of possession, claiming to be landlord through Shri Ram on the basis of a WILL dated 12.03.1983 executed by Shri Ram in his favour. The WILL has been proved and the plaintiff has been held to be landlord *qua* the suit property.

4 However, the relief of possession claimed by the plaintiff against the defendants has been declined by the Courts below holding that the respondents have been proved to be lessee in terms of the lease deed Ex.PW4/A. The property being situated within the municipal limits of Karnal, the respondents could be evicted not by maintaining suit for possession under common law but by resorting to remedy under The Haryana Urban (Control of Rent and Eviction) Act, 1973 (for short, 'the 1973 Act).

5 Counsel for the plaintiff does not dispute the lease deed Ex.PW4/A, however, claims that the lease expired in the year 2004.

6 Be that as it may, even if the lease deed expired in 2004, the property being situated in the urban area (i.e. municipal limits of Karnal), the tenant can be evicted only in terms of Section 13 of 1973 Act.

7 In view of above, no fault can be found with the findings recorded by the Lower Appellate Court. However, the plaintiff shall be at liberty to initiate proceedings under the 1973 Act, if so advised.

8 Appeal stands dismissed.



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9 Pending miscellaneous application, if any, also stands disposed off.

10.12.2025
Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

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