



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

(115)

RSA-1021-2024 (O&M)
Date of Decision: **30.04.2026**

CHALLO RANI @ KAUSHLAYA BAI

... Appellant

Versus

JOGINDER SINGH

... Respondent

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Vishal Thakur, Advocate and
Ms. Shamli, Advocate for the appellant.

Mr. K.S. Brar, Advocate
for the respondent.

VIRINDER AGGARWAL, J. (Oral)

1. The appellant-defendant has preferred this Regular Second Appeal (for short to be referred as 'RSA.) to assail the concurrent findings of the courts below. Vide judgment and decree dated January 24, 2024, the learned District Judge, Hoshiarpur, dismissed the first appeal, thereby affirming the judgment and decree dated February 16, 2019, rendered by the learned Additional Civil Judge (Senior Division), Dasuya.

1.1. The underlying suit, instituted by the respondent-plaintiff, sought possession by way of ejectment from the suit property. The trial court decreed the suit on the grounds of chronic default in rent payments, *bona fide* personal necessity, and misconduct pertaining to the alleged tampering of the electricity meter.



1.2. As per the pleaded case, the tenancy commenced in October 2007 at a monthly rent of ₹800/-. Prior to the institution of the suit, the respondent-plaintiff established compliance with statutory requirements by serving a notice under Section 106 of the Transfer of Property Act, 1882, on February 7, 2017. Although the appellant-defendant acknowledged and replied to the said notice, they failed to surrender possession, precipitating the current litigation

2. The appellant-defendant contested the suit by filing a written statement, disputing the very existence of a landlord-tenant relationship between the parties. It was contended that the appellant-defendant had, in fact, purchased the house in question approximately fifteen years prior for a consideration of ₹6,00,000/-, and had since been residing therein along with his family in his own right.

3. Upon a meticulous examination of the pleadings and the rival assertions advanced by the parties, the learned Trial Court, for the purpose of precise and effective adjudication, crystallized the controversies and framed the following issues for determination:-

1. Whether the plaintiff is entitled to the relief of possession by way of ejectment?OPP
2. Whether the plaintiff is entitled for Recovery of Rs. 24,940/-?OPP
3. Whether plaintiff is entitled for the relationship of tenant and landlord between the plaintiff and defendant?OPP
4. Whether the suit is not maintainable?OPD
5. Whether the plaintiff has not come to the court with clean hands and have concealed the true and material facts from the court?OPD



6. Whether the plaintiff has got no cause of action to bring and file present suit? OPD

7. Relief.

4. Upon the framing of issues, both parties were afforded full and adequate opportunity to adduce evidence in support of their respective claims. After hearing final arguments and upon due appreciation of the entire material on record, the learned Trial Court decreed the suit in favour of the respondent–plaintiff, granting a decree for possession along with recovery of mesne profits quantified at ₹24,940/-. The respondent–plaintiff was further held entitled to recover monthly rent at the rate of ₹800/- until delivery of vacant possession.

4.1. The appeal preferred by the appellant–defendant came to be dismissed by the learned First Appellate Court. Aggrieved by the concurrent findings recorded by both the Courts below, the present appeal has been instituted.

5. I have heard learned counsel for the parties at considerable length and have accorded anxious and thoughtful consideration to his submissions, in the backdrop of the pleadings of the parties, the evidence adduced on record, and the concurrent findings returned by the Courts below.

6. Both the Courts below have, upon a proper and judicious appreciation of the evidence, rightly concluded that the appellant–defendant has failed to establish any semblance of ownership over the suit property. The defence set up by the appellant–defendant rests upon an alleged oral transaction of purchase; however, the same remains wholly



unsubstantiated. Neither the purported vendor nor any independent witness to the alleged transaction has been examined, nor is there any credible evidence to demonstrate payment of consideration or completion of the alleged sale. In stark contrast, the respondent–plaintiff has duly proved on record a registered sale deed dated 17.07.2003 (Ex.P1), which has been corroborated by the testimony of PW-1 Subhash Chander, a marginal witness thereto. The respondent–plaintiff, thus, having established his title, validly terminated the tenancy of the appellant–defendant by serving a notice under Section 106 of the Transfer of Property Act, 1882, calling upon him to vacate the premises.

7. No illegality, infirmity, or perversity can be discerned in the concurrent findings recorded by the Courts below. The contention advanced by learned counsel for the appellant regarding lack of jurisdiction of the Civil Court, on the premise that the petition ought to have been instituted before the Rent Authority under the East Punjab Rent Restriction Act, 1949, is devoid of merit. Not only was, no such plea raised in the written statement, but the appellant has also failed to demonstrate that the provisions of the said Act are applicable to Village Miani, Tehsil Dasuya, District Hoshiarpur, which is admittedly a rural area. No material, documentary or otherwise, has been placed on record to substantiate the applicability of the Rent Act. In these circumstances, the said contention is liable to be rejected.

8. Consequently, finding no merit in the present appeal, the same stands **dismissed**.



9. In view of the final adjudication of the principal matter, all pending miscellaneous applications, if any, shall stand disposed of accordingly, requiring no further orders.

30.04.2026
Gaurav Sorot

(**VIRINDER AGGARWAL**)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No