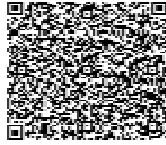


2026.PHHC:037132



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

RSA-3685-2023 (O&M)

Date of Decision: 09.03.2026

Mohan Lal through his LR

...Appellant

Versus

Gurcharan Singh and others

...Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Zorawar Singh Chauhan, Advocate,
for the appellant.

VIKRAM AGGARWAL, J. (ORAL)

This is defendant's appeal against the judgment and decree dated 11.08.2023 passed by the Court of Additional District Judge, Jalandhar, whereby while allowing the appeal against the judgment and decree dated 26.02.2019 passed by the Court of Civil Judge (Junior Division), Phillaur, the suit of the plaintiff was partly decreed.

2. For the sake of convenience and clarity, parties shall be referred to as per their original status.

3. The plaintiff filed a suit for eviction of the defendant from the house (fully described in the plaint) situated in village Atta, Tehsil Phillaur, District Jalandhar (hereinafter referred to as 'the suit property'). Recovery of arrears of rent of Rs.1,06,500/- for the period July, 2011 to May, 2017 along with interest @ 12% p.a. was also sought. A decree for permanent injunction restraining the defendant,

his attorney, agent or any associate etc., from changing the nature or making any alteration to the suit property, was also sought.

3.1 It was claimed that the plaintiff, who was residing abroad, was the exclusive owner of the suit property. It was asserted that in May, 2006, the plaintiff had inducted the defendant as a tenant in the suit property at a monthly rent of Rs.1000/-, which was enhanced to Rs.1500/- after one year. The defendant stopped paying rent after June, 2011, though he continued enjoying possession of the suit property. The plaintiff had served a legal notice upon the defendant on 01.12.2016 under Section 106 of the Transfer of Property Act, 1982, but despite that, the defendant refused to hand over the vacant possession of the suit property and had rather, threatened to change it materially.

4. The defendant filed his written statement taking preliminary objections regarding maintainability and *locus standi*. It was asserted that the plaintiff had concealed true facts from the Court. It was further pleaded that the defendant had already paid the rent to the plaintiff as per law. It was also averred that prior to the filing of the suit, the plaintiff stopped receiving the rent and rather, had threatened to get the suit property vacated illegally.

5. From the pleadings of the parties, the following issues were framed:-

1. Whether the plaintiff is entitled for possession of suit property by way of eviction? OPP

2. Whether plaintiff is entitled for recovery of arrears of rent of Rs.1,06,500/- @ of Rs.1500/- per month with interest @ of 12% per annum along with further rent and interest? OPP
 3. Whether the plaintiff is entitled to permanent injunction, as prayed for? OPP
 4. Whether the present suit is not maintainable? OPD
 5. Whether the plaintiff has not come to the Court with clean hands? OPD
 6. Whether the plaintiff has no locus standi to file the present suit? OPD
 7. Whether the plaintiff has no cause of action to file the present suit? OPD
 8. Relief.
6. Parties led their respective evidence.
7. The trial Court dismissed the suit filed by the plaintiff vide judgment and decree dated 26.02.2019. However, the appeal filed by the plaintiff against the said judgment and decree was allowed by the Court of Additional District Judge, Jalandhar, vide judgment and decree dated 11.08.2023, thereby decreeing the suit filed by the plaintiff. Aggrieved by the said decision, the defendant has filed the instant appeal.
8. I have heard learned counsel for the appellant.
9. Learned counsel for the appellant submits that the first Appellate Court gravely erred in setting aside the well reasoned judgment and decree passed by the trial Court. It is further argued that the impugned judgment and decree passed by the first Appellate Court, is based on misreading of evidence. It is further argued that it was proved on record

before the trial Court that the defendant had cleared the entire arrears of rent and, thus, there was no ground for ordering eviction of the appellant. It is further argued that the trial Court had rightly recorded a finding that the plaintiff had failed to prove his ownership over the suit property, but the first Appellate Court, wrongly recorded that once the relationship of landlord and tenant was admitted, there was no requirement to prove the ownership in respect of the suit property.

10. I have considered the submissions made by learned counsel for the appellant, but find the same to be devoid of merit.

11. The first Appellate Court, while setting aside the judgment and decree of the trial Court, found that the relationship between the parties was not in dispute as the defendant in his written statement had admitted the plaintiff to be his landlord. It was also found that in an earlier suit for permanent injunction filed by the appellant-defendant against the plaintiff, the appellant-defendant had admitted the factum of the plaintiff being exclusive owner of the suit property. It was further found that the plaintiff had examined his attorney Kuldip Singh as PW1, who reiterated the version contained in the plaint, but he was not cross-examined by the counsel for the appellant-defendant. It was also rightly held that even otherwise, the issue of ownership is not relevant in a landlord-tenant dispute. The relevant extract from the judgment of the first Appellate Court, reads as under:-

“17. Once ownership of appellant/plaintiff over the suit house was admitted by respondent/defendant and it was also admitted by him that suit house was leased out to him by appellant/plaintiff, appellant/plaintiff was not required to prove his ownership over the same as fact admitted by opposite party is not required to be proved by leading evidence as provided under Section 58 of Indian Evidence Act. Therefore, it was wrongly observed by learned trial Court that appellant/plaintiff has failed to prove his ownership over the suit house and, therefore, he could not seek possession of the same.

18. Now even if it is admitted that appellant/plaintiff has failed to prove his ownership over the suit house, relationship of lessee and lessor or landlord and tenant between the parties was never disputed by respondent/defendant as it was admitted by him that suit house was rented out to him by appellant/plaintiff. Once relationship of lessee and lessor or landlord and tenant between the parties was not disputed, respondent/defendant was estopped under Section 116 of Indian Evidence Act from claiming that appellant/plaintiff was not owner of the suit house. Reliance in this regard can be placed upon law laid down by Hon’ble Supreme Court of India in case titled as M/s Payal Vision Ltd. Vs. Radhika Choudhary, 2012(2) RCR (Rent) 347, wherein it has been held that landlord is not required to prove jural relationship of landlord and tenant between the parties and termination of tenancy either by lapse of time or by serving notice under Section 106 of Transfer of Property Act, when both these facts are not disputed, Court can pass a decree even in terms of Order 12 Rule 6 of CPC. Now in the case in hand also, relationship between the parties was never disputed by respondent/defendant. It has also been duly

proved on record that appellant/plaintiff had terminated lease/tenancy in favour of respondent/defendant by serving upon him legal notice dated 01.12.2016 Ex. P7 under Section 106 of Transfer of Property Act, requiring him to vacate the suit house and further claiming that tenancy in his favour had been terminated. Since tenancy between the parties had been terminated, respondent/defendant was liable to hand over vacant possession of suit house to appellant/plaintiff and suit filed by appellant/plaintiff for possession was liable to be decreed.”

12. Still further, the plaintiff was held entitled to an amount of Rs.48,000/- i.e. rent for the period May, 2014 till the filing of the suit, besides holding him entitled to receive rent/lease amount from the date of filing of the suit till handing over the possession of the suit property. However, the plaintiff was not found entitled to any mesne profit as, no evidence in this regard was led by the plaintiff.

13. The findings recorded by the first Appellate Court cannot be said to be suffering from any illegality or perversity, so as to warrant interference by this Court in the present appeal.

14. In view of the aforementioned facts and circumstances, I do not find any merit in the present appeal and the same is accordingly dismissed.

15. Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

09.03.2026

ds

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