

SUPR EME COUR T OF I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).13317/2005

(From the judgement and order dated 24/01/2005 in RSA No. 3668/2001 of
The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

AMI LAL

Petitioner(s)

VERSUS

SAJJAN SINGH & ORS.

Respondent(s)

(With appln(s) for PERMISSION TO FILE ADDITIONAL
exemption from filing O.T. and prayer for interim relief)
(FOR FINAL DISPOSAL)

AFFIDAVIT,

Date: 17/08/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Petitioner(s) Mr. Manoj Swarup, Adv.
Mr. Akash Deep, Adv.
Ms. Jyoti Srivastav, Adv.
Mr. Ajay Kumar, Adv.For Respondent(s) Mr. Charudatta. V.M, Adv.
Mr. Ranbir Singh Yadav, Adv.UPON hearing counsel the Court made the following
ORDER

Sampat Singh and his nephew Basti Ram filed a suit for permanent injunction against Ami Lal, the petitioner herein. The plaintiffs claimed to be tenants in possession. The suit was decreed by the Trial Court on 19.8.1998 restraining the defendant in the suit (petitioner herein) from interfering with their possession. The appeal filed by the petitioner was dismissed by the first Appellate Court on 31.7.2001. The second appeal filed by the petitioner was also dismissed by the High Court on 24.1.2005. Thus, there is a concurrent finding that the plaintiffs were in lawful possession over the suit property.

The petitioner has only one grievance. He contends that he is a co-owner of the suit land and the observation/finding in para 9 of the first Appellate Court's Judgment that Ganpat had relinquished his tenancy right in favour of Basti Ram under an affidavit and thus, Basti Ram had become a tenant, may pose difficulties in the event of either the petitioner herein or any of the other co-owners initiate action for possession in accordance with law. The learned counsel for the respondents submitted that apart from the relinquishment of tenancy rights in his favour, Basti Ram had also purchased an undivided share in the suit land under a sale deed even prior to the petitioner purchasing an undivided share on 13.7.1987 and, therefore, Basti Ram is also a co-owner of the property. It is unnecessary to examine these aspects. The limited question that arise for consideration is whether the plaintiffs in the suit namely Sampat Singh and Basti Ram were in lawful possession of the suit property. Whether there was a valid relinquishment by Ganpat in favour of Basti Ram did not arise for consideration, as the suit was not for declaration of title nor was any issue

framed as to the validity of the said relinquishment. Therefore, obviously the observation referred to above incidental while considering the question of possession and will not come in the way of the owners challenging or questioning the validity of such 'relinquishment' in any subsequent suit against the LRs of the tenants.

Therefore, we find no reason to interfere with the judgement of the High Court. with the above observation, the Special Leave Petition is disposed of.

(Jyoti Gupta) (M.S. Negi)

Sr. P.A. Court Master