



**RSA-3039 of 2025**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**RSA-3039-2025 (O&M)**

**Decided on : 02.09.2025**

**Kamaljeet @ Kamaljit**

**.....Petitioner**

**Versus**

Baljinder Kaur

**.....Respondent**

**CORAM : HON'BLE MR. JUSTICE DEEPAK GUPTA**

**Present:** Mr. Vipul Aggarwal, Advocate, for the appellant.

**DEEPAK GUPTA, J.**

**CM-10759-C of 2025**

This is an application under Section 151 CPC to condone the delay of 46 days in re-filing the appeal.

For the reasons mentioned in the application, the same is allowed and delay of 46 days in re-filing the appeal stands condoned.

Application stands disposed of accordingly.

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Defendant of the case is before this Court against the concurrent findings of the Courts below.

2. Suit for mandatory injunction was filed by plaintiff Baljinder Kaur (respondent herein) for directing the defendant (appellant herein) to stop the user of the shop in dispute being licensee. In the alternative, plaintiff had also prayed for decree for possession of the shop. It was claimed that disputed shop was earlier owned by Harbans Singh, who had inducted the defendant as licensee @ ₹775/- per month vide agreement dated 08.10.2003. Later on, plaintiff purchased the property vide sale-deed dated 26.06.2019 from Harbans and then issued notice dated 16.09.2019 intimating the defendant regarding change of ownership and atonement of defendant as licensee. The defendant in the reply to the notice claimed to be a tenant. Request made to the defendant to vacate the shop went unheeded, which necessitated the plaintiff to file the suit.

3. Defendant contested the suit and claimed himself to be a tenant. He denied that he was a licensee.



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4. Necessary issues were framed. Evidence produced by the parties was taken on record. Based upon the agreement dated 08.10.2003 (Ex. P-2), it was found that defendant-appellant was inducted in the shop by Harbans Singh as a licensee. It was further found that plaintiff had purchased the suit property vide sale-deed dated 26.06.2019 (Ex.P3). Based upon these findings, the suit was decreed on 25.01.2024. The appellate Court affirmed the findings on 21.03.2025.

5. Assailing the concurrent findings, it is contended by learned counsel that respondent-plaintiff was required to pay *ad valorem* court fee to seek possession of the disputed shop.

6. After considering the submissions of learned counsel, this Court does not find any merit in the contention.

7. A perusal of the written statement (Annexure A-2) filed by appellant-defendant would reveal that no such objection was raised by the defendant that suit was bad for non-payment of *ad valorem* court fee.

8. It was not disputed by appellant-defendant that Harbans Singh was the owner of the shop in dispute. Plaintiff, having purchased the shop from Harbans Singh by virtue of the sale-deed dated 26.06.2019, stepped into his shoes and thus became the owner of the shop. The agreement dated 08.10.2003 (Ex.P2) established that defendant had been inducted as a licensee by erstwhile owner Harbans Singh and as such, he could not claim himself to be a tenant.

9. In view of the aforesaid facts and circumstances, this Court does not find any ground so as to interfere in the concurrent findings as recorded by the Courts below, as there is no justification calling for any interference. The appeal being devoid of any merits is hereby dismissed.

10. Pending application, if any stands disposed of.

**(DEEPAK GUPTA)**  
**JUDGE**

**02.09.2025**

*Jiten*

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