

Success Story No. 2

EVICTION SUIT

(District Nainital)

In the trial Court at District Nainital, a Civil Case No.23/2006, Om Prakash (75 years old) Vs. Gurmeet Chadda was filed in the year 2006 (08.05.2006) for seeking relief from the Court to pass a decree of eviction from the Shop No.120-B in favour of the plaintiff and against the defendant.

In the above said Civil Case, the plaintiff Om Prakash showing himself as owner of the property in suit, has alleged the defendant as sub-tenant of one Sri Preet Pal. It is further alleged in the suit that the plaintiff was in impression that defendant is the sublette of Sri Preet Pal Singh as he was never let out the premises in suit but Preet Pal Singh denied the possession of defendant as his sublette to save his skin in R.C.C. No.12/98 and ultimately in a compromise he finally surrendered to the plaintiff and compromise was arrived at between him and Preetpal alleging that Preetpal has no concern with the possession of defendant. The plaintiff brought the suit alleging himself as tenant and the defendant as trespasser for the eviction of the property. In written statement the defendant alleged himself as legally tenant in the property in suit.

The trial Court decreed the plaintiff's suit for eviction directing the defendant to hand over the vacant possession of the property in dispute vide judgment dated 18.03.2016; thereafter the defendant as an appellant preferred an appeal against the impugned judgment dated 18.03.16 challenging the merit of the judgment against the landlord which bears Civil Appeal No.19/2016; in the meantime an order passed by the Hon'ble High Court in WPMS No.3404/2016 Om Prakash v. Gurmeet Chadda dated 22.12.2016 directing the District Judge Nainital to decide Civil Appeal No.19/2016, Gurmeet Chaddha Vs. Om Prakash Sah, as expeditiously as possible, within a period of six months. The said order was received in this Court on 10.01.2017; thereafter on account of several efforts by the learned counsel to the parties a compromise was filed and it was accepted in the National Lok Adalat on 08.04.2016; in the Lok Adalat a very old case was decided between the parties to the civil appeal.