

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

R.S.A.No.3776 of 2006 (O&M)

Date of Decision: January 12, 2015

Smt.Kailash Wati

...Appellant

Versus

Brij Lal Sharma through L.Rs & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

**Present: Mr.Veneet Sharma, Advocate,
for the appellant.**

None for the respondents.

AMIT RAWAL, J.

This Regular Second Appeal at the instance of the appellant-plaintiff is directed against the judgments of both the Courts below, whereby suit of plaintiff for permanent injunction restraining the defendants from dismantling, encroaching, putting lintel etc. on the property marked as ABC in the site plan bearing No.922 and 373/10, situated in Gali Dhobian, Beri Gate, Amritsar, has been dismissed on the ground that the wall, which is 19” thick, is a common wall and not exclusive wall of the appellant-plaintiff.

Both the Courts below have given a concurrent finding of fact that the plaintiff failed to prove that the wall, for which injunction was sought, was exclusive wall of the plaintiff, but rather it was a common wall as the roofs of the houses are resting upon the intervening wall in dispute.

In view of the fact that the wall, which was exclusively claimed

by the appellant-plaintiff, has been found to be common wall, both the Courts below declined the relief of permanent injunction. The impugned judgments of both the Courts below do not suffer from any illegality, perversity or misreading of the oral and documentary evidence and rather are based on the appreciation of evidence both oral and documentary.

No substantial question of law arises for determination of this Court.

Accordingly, the appeal is dismissed.

January 12, 2015
ramesh

(AMIT RAWAL)
JUDGE