

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.2636 of 2013 (O&M)
Date of Decision.07.09.2015

Bhagwan Dass

.....Appellant

Versus

Ashwani Kumar and another

.....Respondents

Present: Mr. SPS Tinna, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The landlord faced an action for abatement of nuisance brought through a suit instituted by the tenant contending that the landlord was storing wooden articles on the roof of the tenant premises and was also not allowing for free flow of water that stagnates at the roof and create a problem to the plaintiff. The suit was decreed only for an injunction restraining the landlord from obstructing the free flow of water but declined to grant relief of injunction from keeping the wooden articles at the roof portion. This was appealed against by the defendant and the Appellate Court dismissed the appeal and confirmed the trial court judgment. I do not find that there is any error in the judgments of the Courts below for intervention, for, a landlord by the only fact that he is the owner of the premises cannot do any act at the roof portion which can imperil the tenant's peaceful enjoyment of the property which is tenanted to him. The injunction which was granted was justifiable and I

find no reason for interference in the second appeal.

2. The second appeal is dismissed as involving no substantial question of law for consideration.

(K. KANNAN)
JUDGE

September 07, 2015
Pankaj*