

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

R.S.A.No.1773 of 2015

Date of Decision: October 6, 2015

Mohinder Singh

...Appellant

Versus

Meena Kumari & others

...Respondents

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

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?

**Present: Mr.Devinder Kumar Kaushal, Advocate,
for the appellant.**

AMIT RAWAL, J. (Oral)

The appellant-plaintiff is aggrieved against the judgments and decrees of both the Courts below, whereby the claim for mandatory injunction against the defendants for removal of the temporary sewerage pipes from points A to B illegally laid by PWD Department through his house/site, has been declined.

Mr.Devinder Kumar Kaushal, learned counsel appearing on behalf of the appellant-plaintiff submits that both the Courts below have committed illegality and perversity in not noticing the fact that copies of the jamabandies, Ex.P8 and Ex.P9, in respect of Khasra No.6303 belonging to the plaintiff shows that he was/is owner of the property and the Courts also found that it was not a street and,

therefore, out to have granted injunction as sought for.

I have heard the learned counsel for the appellant-plaintiff and appraised the paper book.

It is settled law that the plaintiff has to stand on his own legs. No document of title has been placed on record to show that the alleged plot was form part of Khasra No.6304. Since the identity of the property was in dispute, therefore, both the Courts below declined the injunction as sought. I do not intend to differ with the findings rendered by both the Courts below as the plaintiff failed to discharge the onus as per provisions of Section 101 of the Indian Evidence Act. Both the Courts below have rendered a finding of fact and law, based on appreciation of oral and documentary evidence.

Keeping in view the aforementioned observations, no substantial question of law arises to be determined by this Court.

Accordingly, the appeal is dismissed.

October 06, 2015
ramesh

(AMIT RAWAL)
JUDGE