

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

RSA No. 83 of 2013 (O/M)  
Date of decision : 8.10.2015

Rajinder

..... Appellant

Versus

Rishi Raj

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Surinder Dagar, Advocate, for the appellant.

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

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KULDIP SINGH, J. (ORAL)

Impugned in the present regular second appeal is the judgment and decree dated 30.7.2012, passed by the learned Additional District Judge, Faridabad, affirming the judgment and decree dated 28.2.2011, passed by the learned Civil Judge (Junior Division), Faridabad, vide which the suit of the plaintiff, was dismissed and the counter claim was partly decreed to the effect that the plaintiff was restrained from merging the space of 6.6' consisting of Nali (drain) and Gali (street) into his open chowk and from creating any hurdle in the proper discharge of the water from the house of the defendant/counter claimant.

RSA No. 83 of 2013 (O/M)

I have heard the learned counsel for the appellant and have also carefully gone through the file.

It comes out that the dispute is regarding the drain. The perusal of the impugned judgments and decrees of both the Courts below show that a local commissioner was appointed. He measured the house of the plaintiff as 58 Sq.Yds. On the basis of the report of the local commissioner, the findings of facts have been recorded by both the Courts below. Therefore, no substantial question of law arises in the present appeal. Hence, the present appeal is dismissed.

(KULDIP SINGH)  
JUDGE

8.10.2015  
sjks