

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

RSA No.3459 of 2015 (O&M)

Date of Decision: November 30, 2015

Raj Kumar

.... Appellant

vs.

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. R.P. Singh Ahluwalia, Advocate for the appellant.

Mr. Manoj Dhankar, Asstt. Advocate General, Haryana.

1. *Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

CMs-8375-C and 8376-C of 2015

There is delay of 33 days in refiling and 149 days in filing the present appeal.

For the reasons mentioned in the applications, supported by affidavits, delay of 33 days in refiling and 149 days in filing the present appeal is condoned, subject to all just exception.

Applications stand disposed of.

RSA-3459-2015

Impugned in the present regular second appeal is the judgment and decree dated 19.07.2014 passed by learned Addl. District Judge, Ambala, affirming the judgment and decree dated 02.01.2012 passed by learned Addl. Civil Judge (Sr. Divn.), Naraingarh, vide which the suit of the plaintiff for permanent

injunction for restraining the defendants from constructing any drain in front of the house of the plaintiff for reverting the natural flow of drainage water of the house of the plaintiff through the drain going towards the *johar* then to *nala* in the *phirni* as shown in the site plan, was dismissed.

It comes out that in RSA No.3204 of 2014, titled as “Raj Kumar vs Joginder Singh and in RSA No.3880 of 2014, titled as Raj Kumar vs. Joginder Singh and others”, the same question of law is involved and the same has been determined. Therefore, the order issuing notice regarding condonation of delay is recalled and the present appeal also stands dismissed.

November 30, 2015
sarita

(KULDIP SINGH)
JUDGE