

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

RSA No.1423 of 2014 (O&M)

Date of Decision: September 28, 2015

Ramesh @ Dharam Chand

.... Appellant

vs.

Mohan Lal and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. S.S. Khurana, Advocate for the appellant.

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)

Impugned in the present regular second appeal is the judgment and decree dated 31.10.2013 passed by learned Addl. District Judge, Rewari, affirming the judgment and decree dated 06.11.2012 passed by learned Civil Judge (Jr. Divn.), Rewari.

The plaintiff had filed a suit against the present appellant-defendant for restraining him from raising further construction upon the wall marked EG and EF and not to interfere in the peaceful possession of khasra No.173 shown in blue colour marked ABCD in the attached site plan. The plaintiff had also sought mandatory injunction for directing the present appellant-defendant to remove the wall marked EG 33x6 feet 3 feet in height and new construction made on marked EG wall of plot khasra No.173, situated in village Bas Bitodi, Tehsil and District Rewari and to remove the same and

deliver the vacant possession of the land and put the property in dispute in its earlier position of vacant land at the costs of the present appellant-defendant.

After recording the evidence, the learned Civil Judge (Jr. Divn.), Rewari, vide judgment and decree dated 06.11.2012 decreed the suit granting permanent injunction as well as mandatory injunction and also directing the appellant-defendant to hand over the vacant possession of the land to the plaintiff. The findings were affirmed in appeal by the learned Addl. District Judge, Rewari vide judgment and decree dated 31.10.2013.

Learned counsel for the appellant-defendant has argued that the suit before the lower court was not maintainable and that the evidence has not been properly discussed by the lower court.

After going through the judgments and decree of both the courts below, I am of the view that the suit was very much maintainable and proper prayer was made before the lower court. The evidence has been discussed and the findings of the facts have been recorded. No substantial question of law arises in the present appeal.

Hence, the present regular second appeal stands dismissed.

September 28, 2015
sarita

(KULDIP SINGH)
JUDGE