

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No. 3828 of 2014 (O/M)
Date of decision : 21.9.2015

Darshan Singh

..... Appellant

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Karan Gupta, 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)

CM No. 8909-C of 2014

There is delay of 6 days in filing the present appeal.

For the reasons mentioned in the application, which is supported by the affidavit of the clerk of the learned counsel for appellant, the delay of 6 days in filing the present appeal is condoned.

Application is accordingly disposed of.

Main case

Impugned in the present regular second appeal is the

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judgment and decree dated 11.2.2014, passed by the learned District Judge, Fatehabad, affirming the judgment and decree dated 11.11.2011, passed by the learned Additional Civil Judge (Senior Division), Tohana.

The plaintiff, in this case, had sought the declaration to the effect that he is owner in possession of land measuring 23 kanals 4 marlas as co-sharer and that the order dated 28.8.2008, passed by the SDCO, Uklana Water Services Sub Division, is illegal

and that the defendants be restrained from digging the watercourse forcibly and illegality on the basis of said order.

The perusal of the judgments and decrees passed by both the Courts below show that both the Courts below have come to the conclusion that the order passed by the canal authorities is legal and could not be challenged before the Civil Court. The plaintiff/appellant had preferred an appeal against the said order, which was dismissed. The findings of facts have been recorded by both the Courts below. No question of law much less the substantial question of law arises. Hence, the present appeal is dismissed.

(KULDIP SINGH)
JUDGE

21.9.2015
sjks