

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

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Regular Second Appeal No.4423 of 2014

Date of Decision: September 18, 2015

The Ludhiana Central Bank Employees Co-operative House Building
Society Limited

...Appellant

Versus

Improvement Trust, Ludhiana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. C.L. Verma, Advocate
with Mr. Aditya Dassaur, Advocate
for the appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the judgment and decree passed by the Civil Judge (Junior Division), Ludhiana, dated 19.03.1998 by which the suit for recovery of an amount of ₹1,67,000/- was dismissed, against which the appeal preferred by the appellant-plaintiff has been partly decreed by the Additional District Judge, Ludhiana, on 28.02.2015 holding the appellant-plaintiff entitled to recovery of ₹5,000/-.

2. It is the contention of learned counsel for the appellant-plaintiff that the findings recorded by the Courts below are not sustainable as the Courts have not taken into consideration the fact that the construction which has been raised by the appellant/plaintiff-Society has been illegally demolished by the respondent-Improvement Trust, Ludhiana through its officials. He contends that the Courts below have also not appreciated that there was an injunction granted in favour of the appellant-plaintiff qua the suit land which has been violated by the respondents while doing so. He thus contends that since the appellant-plaintiff has suffered losses to the

extent of ₹1,67,000/-, the suit for recovery should have been decreed *in toto*.

3. I have considered the submissions made by counsel for the appellant-plaintiff and have gone through the judgments passed by the Courts below but am unable to accept the same for the simple reason that prior to making the constructions, which have been demolished by the respondent-Improvement Trust, Ludhiana, the sanction of the building plan or the site plan has not been obtained, which is mandated under the law. Illegal constructions raised by the appellant/plaintiff-Society have, therefore, rightly been demolished by the Improvement Trust, Ludhiana. The findings thus recorded by the Courts below in this regard cannot be faulted with. The relief granted with regard to the compensation which pertains to the demolition of a boundary wall, which was of two to three layers of bricks and that too being a mud and mortar construction, also cannot be faulted with. The Courts below have rightly, on the basis of the evidence led by the parties, proceeded to decide the claim of the appellant-plaintiff, which does not call for any interference by this Court.

5. No substantial question of law is involved in the present appeal. Therefore, finding no merit in the present appeal, the same stands dismissed.

September 18, 2015
Puneet

(AUGUSTINE GEORGE MASHI)
JUDGE