

Regular Second Appeal No.2159 of 2015 (O&M) {1}

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

**RSA No.2159 of 2015 (O&M)
Date of decision:21.03.2016**

Jaswant Singh ... Appellant

Vs.

Manohar Lal alias Bintu Banga and another ... Respondents

RSA No.2160 of 2015 (O&M)

Jaswant Singh ... Appellant

Vs.

Municipal Council, Sirsa and another ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Saurav Khurana, Advocate
for the appellant (in both cases).

AMIT RAWAL J. (Oral)

This order of mine shall dispose of two Regular Second Appeals bearing Nos.2159 and 2160 of 2015.

The appellant-plaintiff is aggrieved of the dismissal of the suit, as well as, counter claim in a suit seeking permanent injunction on the ground that it was a public street.

Mr. Saurav Khurana, learned counsel appearing on behalf of the appellant-plaintiff submits that both the Courts below have committed illegality and perversity in dismissing the suit as umpteen number of documents have been placed on record to show that the

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street is private. Even the order passed by the Managing Officer proved this fact. All these facts have gone un-rebutted while dismissing the suit. He, thus, urges this Court to formulate the substantial questions of law as culled out in the grounds of appeal.

I have heard learned counsel for the appellant-plaintiff and appraised the judgments and decrees of the Courts below and of the view that submissions made by Mr. Khurana, sans merit, for the reason, that sale deed/conveyance deed shows the existence of street as public and not private. No evidence has been led contrary to the fact, much less, any corroborative evidence to prove what was proved on record. The foundation of the suit was based upon the plea that it was private street but it was nullified from the documents of the plaintiff itself. In view of such situation, both the Courts below have rightly dismissed the suit, as well as, counter claim.

In view of the aforementioned observations, I do not intend to differ with the findings rendered by both the Courts below, based upon the appreciation of oral and documentary evidence, much less, no substantial question of law arises for determination of this Court.

Accordingly, the appeals are dismissed.

(AMIT RAWAL)
JUDGE

March 21, 2016
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