ARCHANA ARORA
2016.03.14 14:27
I attest to the accuracy and
authenticity of this document

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 144 of 2014(O&M)
Date of decision : March 3, 2016

Mohd Kassam

..... Appellant

Versus

PNC Infratech Pvt. Ltd.and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Jamshed Ahmed, Advocate
for the appellant.

***

1. Whether reporters of local papers 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?

Amit Rawal, J (oral).
CM No. 323-C of 2014

This is an application under Section 5 of the Limitation Act seeking condonation of delay in filing the appeal.

For the reasons stated in the application, which is duly supported by an affidavit, delay of 523 days in filing the appeal is condoned.

The application stands disposed of.

RSA No. 144 of 2014(O&M)

The appellant-plaintiff is aggrieved of the dismissal of the suit seeking permanent injunction against the respondents from demolishing the mosque by widening of the National High Way.

Learned counsel appearing on behalf of the appellant submits that umpteen number of documentary evidence

has been placed on record to show the existence of the mosque but the courts below have given contrary view, which is not sustainable in the eyes of law, thus, urges this Court to formulate substantial questions of law as carved out in the Memorandum of Appeal.

I have heard learned counsel for the appellant, appraised the paper book and of the view that the appellant-plaintiff has failed to discharge the onus by proving on record the existence of mosque. Moreover, the suit for injunction challenging the notification vide which the land for widening up of the National High way under the National High Way Act, 1956 has been acquired is not maintainable.

Keeping in view the aforementioned facts, I do not intend to differ with the finding rendered by both the courts below which is based on appreciation of oral and documentary evidence. There is no illegality or perversity in the aforementioned judgments and decrees of the courts below.

No substantial question of law arise for determination by this Court.

In view of what has been observed above, the appeal is devoid of merits, accordingly, the same is dismissed.

(AMIT RAWAL)
JUDGE

March 3 , 2016
archana