

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

DATE OF DECISION: JANUARY 11, 2016

Smt.Chandro

.....Appellant

VERSUS

Ram Parshad and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

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

**Present: Mr. Ramender Chauhan, Advocate,
for the appellant.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the judgement and decree dated 07.08.2012 passed by Civil Judge (Junior Division), Bhiwani, whereby the suit for permanent prohibitory injunction filed by the appellant-plaintiff, restraining the respondent-defendants from interfering in the wall 'AB', which was exclusively claimed by the appellant-plaintiff as detailed in the head note, has been dismissed, appeal against which has been dismissed by the Additional District Judge, Bhiwani, on 30.04.2014.

It is the contention of learned counsel for the appellant that the Courts below have not appreciated the evidence, which has been brought on record, especially that of the draftsman. He contends that apart from the statement of the appellant-plaintiff, the evidence of draftsman further corroborates that the wall has been constructed and owned by the appellant-

plaintiff. He, thus, contends that the findings as recorded by the Courts below cannot sustain and deserve to be set-aside.

I have gone through the impugned judgements with the assistance of counsel for the appellant but do not find any illegality therein.

The evidence, which has been led by the appellant-plaintiff, has been duly considered by the Courts below keeping in view the report submitted by the Local Commissioner, where it has been specifically stated by him that the wall is not an exclusive ownership of the appellant-plaintiff and the said wall has been used by the respondent-defendants for making the *almirah*, which is on their side and is on the portion of the wall and apart from that one room has also been constructed by the respondent-defendants. The said report of the Local Commissioner has been rightly accepted by the Courts below as no objections were filed thereto.

Both the Courts below have returned concurrent findings after properly appreciating the pleadings and evidence brought on record by the parties and the same cannot be interfered with as there is no perversity or illegality in the same.

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

January 11, 2016
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE