

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

RSA No. 1598 of 2012 (O&M)
Date of decision : August 16, 2017

Madhu and others

..... Appellants

v.

Pyare Lal and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Gaurav Sharma, Advocate
for Mr. Rakesh Kumar Sharma, Advocate
for the appellants.

Mr. Krishan Singh, Advocate
for the respondents.

Ajay Tewari, J (Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing the suit of the plaintiff, since deceased represented through his LRs i.e appellants wherein he claimed that a particular wall which was shared between him and his neighbours the respondents was owned by him exclusively.

Both the Courts below on a consideration of the evidence found that on one side of the disputed wall was a room of the plaintiff and on the other side thereof was a room of the respondents. Both these rooms pre-existed the sale in favour of the plaintiff and the lintel of both the rooms was placed on the wall in dispute. On this basis, both the Courts below came to the conclusion that the wall in dispute was a joint wall and could

not be claimed by the plaintiff to be his individual wall. Once the plaintiff was not in a position to deny that when he purchased the property the wall in dispute existed and supported the roof not only of the room in his possession but also the room in the possession of the respondents, there can be no error in the finding that the wall in dispute in fact was a joint wall. Counsel for the appellants has not been able to persuade me that the findings recorded are either based on no evidence or are based on such misreading of evidence so as to render the same so perverse as to be liable for interference under Section 100 of the CPC. Consequently, this appeal is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

August 16, 2017

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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No