

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

**RSA No.5232 of 2015 (O&M)
Date of decision : 31.07.2017**

Sunil Kumar and another

..... Appellants

versus

Krishan Kumar and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Manoj Makkar, Advocate
for the appellants.

AJAY TEWARI, J.(ORAL)

The suit filed by the appellants-plaintiffs has been dismissed by both the Courts below. They are the owners on the first and second floor of a shop, the ground floor of which is owned by respondent No.1. They filed the instant suit claiming two things. The first was that respondent No.1 was making a basement in the property which was likely to cause damage to the structure. The second was that this was being done without getting the plan sanctioned from the Municipal Authorities-respondent No.2. Both the Courts found that as regards the first averment the respondent No.1 had come and given an undertaking that he had only reduced the level of his shop by 4 feet and was not going below the same. Both the Courts also found that the appellants-plaintiffs led no evidence to show whether any damage was going to be caused to the structure by lowering the level of the shop by 4 feet. As regards the second argument both the Courts found that

the issue of getting sanction was between the respondents No.1 and 2 and the appellants-plaintiffs had no *locus standi* to make a grouse thereof.

Learned counsel for the appellants-plaintiffs has not been able to show me how these findings are vitiated in any manner.

Appeal is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

31.07.2017
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No