

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

**RSA No.5259 of 2015 (O&M)
Date of Order: 28.08.2017**

Vijay Singh

..Appellant

Versus

Lalchi @ Lali and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Kumar Yadav, Advocate,
for the appellant.

ANIL KSHETARPAL, J (Oral)

Plaintiff is in regular second appeal against concurrent findings of fact arrived at by the Courts below.

Plaintiff filed a suit for mandatory injunction claiming that the defendants have encroached upon the part of the street and they be directed to remove the encroachment from the street.

Defendants contested the suit and claimed that there is no street in existence and the piece of land belongs to them.

Learned trial Court after appreciating the evidence available on the file, dismissed the suit filed by the plaintiff on the ground that the plaintiff has failed to prove existence of the street.

Plaintiff filed the first appeal. Learned first appellate Court after re-appreciating the evidence available on the file, upheld the findings of the trial Court to the effect that the suit property is not a street. Even Municipal Committee was party to the suit. The Municipal Committee even did not produce any record to prove the existence of the street.

There is concurrent findings of fact arrived at by the Courts below. Learned counsel for the appellant could not address any meaningful arguments to show that the judgments passed by the Courts below are either result of misreading of evidence or non-reading of evidence.

Therefore, finding no good ground to interfere with the concurrent findings of facts arrived at by the courts below. The regular second appeal is ordered to be dismissed.

August 28, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No