

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

RSA No.47 of 2017 (O&M)
Date of decision : 14.11.2017

Shyam Singh (deceased) through his LRs

...Appellants

Versus

Surinder Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rakesh Chopra, Advocate for the appellants.

ANIL KSHETARPAL, J. (ORAL)

The legal representatives of the defendant-appellant is in Regular Second Appeal against the concurrent findings of fact arrived at by the Courts below.

It is unfortunate that a petty dispute has reached up to this Court. The plaintiff had purchased 6 marlas of land from Malkit Singh vide sale deed dated 18.07.2006. He had constructed his house and left some portion towards northern side. It is the case of the plaintiff that the defendant with his permission has constructed a temporary wall so as to facilitate the construction of WC sullage with assurance that he will demolish the wall later on. However, thereafter the defendant went back from his promise and refused to demolish the same.

Both the Courts below after appreciating the evidence available on the file decreed the suit filed by the plaintiff.

I have heard the learned counsel for the appellant at length.

It is unfortunate that the plaintiff who has only purchased 6 marlas of land is being troubled by his neighbours.

There is a concurrent finding of fact which is totally based upon appreciation of the evidence.

No ground to interfere is made out in present Regular Second Appeal.

Regular Second Appeal is dismissed.

14.11.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No