

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA-2999-2011(O&M)
Date of Order: 05.02.2018

KUSUM LATA

..Appellant

Versus

BIMLESH GUPTA AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Navdeep Monga, Advocate,
for the appellant.

ANIL KSHETARPAL, J (Oral)

C.M.No.8252-C-2011

Application is for appointment of a Local Commissioner for proper demarcation of the area.

At the stage of regular second appeal, it is not possible for this court to start collecting evidence for the parties. Both the Courts had given sufficient opportunities to the plaintiff-appellant to lead their evidence.

Hence application is dismissed.

C.M.No.13815-C-2011

Application is for permission to lead additional evidence, if the Court appoints a Local Commissioner.

The aforesaid aspect has already been dealt with by this Court while deciding the Civil Misc. application No.8252-C-2011.

Hence, application is dismissed.

MAIN

Plaintiff-appellant is in regular second appeal against the

concurrent findings of fact arrived at by the Courts below while dismissing the suit for permanent injunction and mandatory injunction.

It is very sad that a small and petty dispute has reached this court. The dispute is with regard to the total land measuring 4½”x35'. Both the Courts have found that the suit filed by the plaintiff-appellant is not maintainable as the authority which developed the entire area and allotted the plots has not impleaded as a party.

Defendants have produced on file sufficient evidence to prove that the building has been constructed as per the demarcation given by the Haryana Urban Development Authority, the authority which developed the entire area and made allotment. It is a case where the plaintiff wants that the house of the neighbour must be demolished, although he had constructed it as per the demarcation given by the Haryana Urban Development Authority. Such approach of the plaintiff is not justified.

In view thereof, there is no scope for interference in the concurrent findings of fact arrived at by the Courts below.

The regular second appeal is dismissed.

February 05, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No