

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

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RSA No.2287 of 2016 (O & M)
Date of Decision:04.05.2018

Mange Ram

...Appellant

Versus

PWD B&R, Jhajjar and others

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajit Kumar Sharma, Advocate for
Mr. R.D. Yadav, Advocate for the appellant.

ANIL KSHETARPAL, J.(Oral)

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

Plaintiff filed a suit for permanent injunction and for possession of the property by dismantling a public road alleging that there is encroachment by the Public Works Department. Plaintiff relied upon a demarcation carried out on 25.12.2009.

In the written statement, defendant contested the suit and pleaded that after the boundary wall of the plaintiff, 9.6 feet land was left before laying down the road. During the pendency of the suit, the Court appointed a Local Commissioner and it came out that in fact the plaintiff has encroached upon some public land.

On appreciation of evidence, both the Courts have dismissed the suit, after recording such finding. Courts have further noticed that the demarcation report on basis whereof the suit was filed has not been proved.

This Court has heard learned counsel for the appellant at

length. Learned counsel could not point out any substantive misreading or non-reading of evidence or any perversity in the impugned judgments, which may warrant any interference by this Court.

In view thereof, regular second appeal is dismissed.

04.05.2018

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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No