

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

120

CM-15952-53-C-2018 in/and
RSA-2348-2016 (O&M)
Date of Decision : 25.10.2018

Om Parkash

....Appellant

vs.

Hans Raj and Ors.

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Manoj K. Tanwar, Advocate
for the applicant-appellant.

AJAY TEWARI, J. (Oral)

CM-15952-C-2018

This is an application for condonation of delay of 30 days in
filing the application for restoration of the main case.

For the reasons recorded, the application is allowed and delay
in filing the application for restoration of the main case is condoned.

CM-15953-C-2018

This is an application for restoration of the main appeal.

For the reasons recorded in the application the same is allowed
and the appeal is restored to its original number.

Main Case

This appeal has been filed against the concurrent judgments of
the Courts below dismissing a suit filed by the appellant claiming that he
had constructed boundary wall in his own land and seeking an injunction

restraining the respondents from interfering.

Both the Courts below on consideration of the entire evidence held that the plaintiff-appellant had not been able to prove that the wall was constructed in his own land and consequently, dismissed the suit.

Before me learned counsel has argued that the Courts below have not properly appreciated the evidence. He is however not in a position to persuade me to hold that the findings of the Courts below are either based on no evidence or on such perverse misreading of the evidence as to make them liable for interference in the second appeal.

Consequently, the appeal stands dismissed.

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

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25.10.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No