

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

106

RSA-2671-2016 (O&M)

Date of Decision : 26.09.2018

Surjit Kaur

..... Appellant

Versus

Jasbir Singh

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. K.S.Chahal, Advocate
for the appellant.

AJAY TEWARI, J. (ORAL)

This appeal has been filed against the concurrent judgments of the courts below dismissing a suit for mandatory injunction filed by the appellant wherein she had sought a direction to the respondent to demolish the projection made over the street on the ground that it was causing nuisance. The courts below held that the projection which was made was not on the property of the appellant but on the public street and further held that even the site plan which produced by the appellant was not proved since the draftsman had not been examined. The only witness who had appeared in favour of the appellant was Ranjit Singh, who was her son. In his cross-examination the witness Ranjit Singh stated that the gate installed by the respondent opened towards the street. Consequently, the courts below dismissed the suit. Hence, the present appeal.

I have also seen photograph Ex.P3 and I find that there is no error in the judgments of the courts below. There is no blockage with regard to the gate of the appellant nor is there any hindrance to his access.

In the totality of circumstances, I am not persuaded that the findings of fact recorded by the courts below are either based on no evidence or based on such a perverse misreading of evidence so as to justify interference of this Court in second appeal.

Appeal is dismissed. No costs.

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

September 26, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No