

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

RSA No.3115 of 2016 (O&M)

Date of Decision: 07.03.2018

Maghar Singh

...Appellant

VERSUS

Dayal Singh and Anr.

.Respondents

BEFORE : HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr.Mandeep Kumar Dhot, Advocate, for the appellant.

RITU BAHRI, J. (Oral)

The appellant has come up in appeal against the judgment and decree of the trial Court dated 21.09.2015 and judgment and decree of the learned appellate Court dated 26.02.2016 whereby, his suit for permanent injunction restraining the defendants to establish the Khal/water course between the khasra number 17//6 and 15 has been dismissed by both the Courts.

Both the Courts had given concurrent findings of fact that vide order dated 12.02.1974 (Ex.D5), the Irrigation Department had carved out a Khal/water course in the boundary of the Khasra No.17//6 and 15 under the possession of the plaintiff which had been demolished by the plaintiff in the first week of June, 2011 and thereafter, application Ex.D3 has been made by defendant for restoration of the Khal/water course.

Keeping in view that the Khal/water course was carved out on 12.02.1974 by both the plaintiff and defendant who are co-sharers of the same land and the order Ex.D5 is not in dispute between the parties, the

present revision is dismissed as the petitioner would be only remedy to contest the application Ex.D3 for restoration of the Khal/water course before the revenues authorities.

Dismissed accordingly.

07.03.2018
anil

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>

