

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

102

RSA No.360 of 2016 (O&M)

Date of decision: 09.07.2018

Ved Parkash (deceased) through his LR Renu Bala ..... Appellant

Versus

Gian Kaur and another ..... Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present:- Mr. Vikas Bali, Advocate  
for the appellant.

\*\*\*\*\*

**ANIL KSHETARPAL, J. (ORAL)**

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

Plaintiff through the present suit initially prayed for permanent injunction claiming that he is tenant over the shop in question. Subsequent, the suit was amended and the prayer was made to grant mandatory injunction for issuing directions to the defendants to restore the suit property in its original condition along with the amenities enjoyed by the plaintiff-tenant.

Both the Courts after appreciation of evidence available on the file have found that the building of the shops collapsed on 18.02.2010 and the plaintiff got registered an FIR alleging that landlords have got it demolished. There was a compromise between the parties which is Ex.DW1/D dated 26.03.2010. Still further, the adjoining tenant i.e. Navdeep Bhardwaj also filed a similar suit and the aforesaid suit was

dismissed vide judgment and decree dated 13.10.2013. Learned First Appellate Court has further referred to another compromise between the parties Ex.D-1. The shop is no more in existence.

Although, learned counsel for the appellant made sincere attempt, however, keeping in view the finding of fact arrived at by the Courts below which are neither shown to be perverse nor misreading or non-reading of any evidence, this Court finds no ground to interfere with the concurrent finding of fact arrived at by the Courts below.

Appeal is dismissed.

**09.07.2018**

Dinesh Bansal

**( ANIL KSHETARPAL )  
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No