

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

RSA No.484 of 2016 (O&M)
Date of decision : 14.09.2018

Murari (deceased) through his LRs

...Appellants

Versus

Jagdish Parshad and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. H.S. Grewal, Advocate with
Ms. Rivayat Hayer, Advocate for the appellants.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff-appellant through his legal heirs is in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below dismissing the suit filed by him for declaration that the defendants are not entitled to have any water channel for disposal of rain water (*Nala Parnala*) as the plaintiff is owner of the street and the defendants have no right to make any opening in the same.

The defendants contested the suit and pleaded that the disputed alley is a public street used by the public since 1958 and all the openings and the water channels have been constructed way back in the year 1958. The defendants in order to prove that fact, have produced on file the sale deed executed on 01.03.1958 wherein it has been depicted that the passage in question is in existence.

Although, learned counsel for the appellant made a sincere attempt to persuade this Court to take a different view, however, keeping in view the undisputed fact that the sale deed dated 01.03.1958 do refers to a passage, this Court does not find any good ground to interfere with the concurrent findings of fact arrived at by both the Courts below.

Regular Second Appeal is dismissed.

14.09.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No