

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

**RSA No.3506 of 2015 (O&M)
Date of Order:22.01.2018**

Subhash Bhatia deceased through LRs

..Appellants

Versus

Nanak Singh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanjeev Sharma, Advocate,
for the appellants.

ANIL KSHETARPAL, J (Oral)

Plaintiffs-appellants are in regular second appeal against the concurrent findings of fact arrived at by the courts below. It is a case where the neighbours are unnecessarily fighting for a common wall located in between the house. Plaintiffs claim that the wall in between the house exclusively belong to them, whereas defendants claim that the wall is common. Defendants also filed a counter claim.

Both the Courts after discussing the evidence available on the file, dismissed the suit and decreed the counter claim. The court found that the plaintiffs have in fact demolished a part of the common wall.

Appeal filed before the first appellate Court was also dismissed.

The findings arrived at by the courts below are findings of fact on appreciation of evidence. This Court does not find that such appreciation of evidence is either erroneous or result of material irregularity.

In view thereof, there is no scope for interference. Hence the regular second appeal is dismissed.

January 22, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No