

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 202

RSA-5500-2016 (O&M)

Date of decision : 06.12.2018

Iqbal Singh

..... Appellant

VERSUS

Municipal Council, Ambala City and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Manohar Lall, Advocate, for the appellant.

Mr. Deepak Manchanda, Advocate, for the respondents.

DEEPAK SIBAL, J. (ORAL)

The appellant filed a suit seeking therein to restrain the defendants/respondents from interfering in the appellant's property i.e. Plot No. 1 and to direct them to construct a 40' wide road according to T. P. Scheme E-1 wherein such road was earmarked to be laid in Khasra No.25//26 on the western side of the appellant's plot. Blockage of 30' road situated in the western side of the appellant's plot was also sought to be removed. On being put to notice, the respondents, who were defendants in the suit, appeared before the Trial Court and refuted the claim set up by the appellant. After sifting the evidence led by both the parties, the Trial Court decreed the appellant's suit against which the respondents filed an appeal which was allowed by the Appellate Court giving a cause to the appellant to knock the doors of this Court through the present second appeal.

During the pendency of the present appeal the appellant filed an application through which it was submitted that while considering sanctioning of the plans submitted by the appellant the respondents have acknowledged the fact that the 40' wide road as per the T. P. Scheme E-1

was to be laid in Khasra No. 25//26 and that the same was wrongly diverted in Khasra No. 25//27 i.e. where plot No. 1 of the appellant exists. Notice of the application was issued to the respondents in pursuance of which Mr. Deepak Manchanda, Advocate has appeared and admitted to the fact that on reconsideration of the entire matter the respondents found that the 40' wide road as per the T. P. Scheme E-1 was not to pass through or over the appellant's plot.

In view of the above, learned counsel for the appellant submits that his entire grievance has been accepted by the respondents. Learned counsel for the respondents admits to such submissions.

In view of the above, the impugned judgment and decree dated 05.10.2016, passed by the Additional District Judge, Ambala in Civil Appeal No. 104 “*Municipal Council, Ambala City and others vs. Iqbal Singh and another*” is set aside and the judgment and decree dated 14.02.2011, passed by the Civil Judge (Junior Division), Ambala in Civil Suit No. 425-CS of 2005 “*Iqbal Singh vs. State of Haryana and others*” is restored.

The present appeal is allowed in the above terms.

06.12.2018
shamsher

[DEEPAK SIBAL]
JUDGE

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