

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

125

RSA-5819-2016 (O & M)
Date of Decision:03.10.2018

Bant Singh and another

...Appellants

Versus

Harmesh Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Hardeep Singh, Advocate
for the appellants.

ANIL KSHETARPAL, J.(Oral)

CM-15271-C-2016

For the reasons stated in the application, which is duly supported by an affidavit, delay of 25 days in re-filing the appeal is condoned.

Application is allowed.

Main Case

Defendants-appellants are in the regular second appeal against the concurrent findings of fact arrived at by the Courts below while decreeing a suit for permanent injunction restraining the defendants from demolishing water channel existing on the land.

In the present case, revenue official namely Daljit Singh Patwari has appeared as PW-1 and has deposed about existence of the water channel at points A to B.

Both the Courts have examined in detail this aspect and found

that the defendants has no right to demolish the aforesaid water channel.

Although, learned counsel for the appellants made sincere attempt, however, could not persuade this Court to take a different view as learned counsel could not draw attention of the misreading or non-reading of evidence.

Hence, there is no ground to interfere.

Regular second appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the above said judgment.

03.10.2018
sheetal

(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No