

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

RSA No.669 of 2016 (O&M)

Date of decision : 11.05.2018

Balwan Singh

...Appellant

Versus

Gram Panchayat Ranila and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashok Kumar Khubbar, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

CM No.1814-C of 2016

For the reasons stated in the application, which is duly supported by an affidavit, delay of 128 days in refiling the appeal is condoned.

Application is allowed.

Main Case

The plaintiff-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below dismissing the suit for recovery of ₹50,000/- on account of damage to the house and the front boundary wall on account of laying a new underground water pipeline in place of old one.

It is pleaded case of the plaintiff that since water pipeline was laid near to the house of the plaintiff, therefore, due to leakage, damages

happened.

Both the Courts after examining the evidence have found that new pipeline was laid at same place from where old pipeline was uprooted. Still further, the Courts have examined the evidence and found that the plaintiff has failed to prove that damage to the house was on account of leakage from the water pipeline.

Although, learned counsel for the appellant has made very serious attempt to challenge the findings of the Courts below. However, on careful examination of the same, this Court does not find that the findings of fact arrived at by the Courts are result of any substantive mis-reading or non-reading of the evidence.

In view thereof, there is no ground to interfere with the concurrent findings of fact arrived at by both the Courts below.

Regular Second Appeal is dismissed.

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

11.05.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No