

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

**RSA No.6788 of 2016 (O&M)
Date of Decision:01.10.2018**

Ram Chander

...Appellant

Versus

Satbir and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Abhishek Yadav, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by both the courts below, while dismissing the suit filed by the plaintiff for damages on account of leakage of water in the common wall.

Both the courts have found that the plaintiff has failed to lead evidence to prove that leakage was on account of fault of the defendant.

Learned counsel for the appellant has submitted that PW-2 Mahavir Singh Panwar, Civil Draftsman and Architect had prepared a report alongwith the photographs which prove that there was a dampness in the common wall. However, the learned first appellate court has noticed that Mahavir Singh Panwar when appeared in evidence admitted that he did not inspect the wall from other side.

Although, learned counsel for the appellant made sincere attempt, however, could not draw attention of the court to any perversity or substantive error in the judgments passed by the courts below.

In view of the above, there is no ground to interfere with the concurrent findings of fact arrived at by the courts below. The present Regular Second Appeal is dismissed. Pending application(s), if any, shall also stand disposed of, in terms thereof.

01.10.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No