

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

RSA No. 3160 of 2017 (O&M)
Date of decision : September 24, 2018

Hindu Public School, Bawal and another

..... Appellants

v.

Hari Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sanjay Mittal, Advocate
for the appellants.

Ajay Tewari, J (Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing the suit filed by the appellants.

The case of the appellants was that they were owners of Killa No.20/2 and they had built their school on that land and at that time they had left a gap of three feet between their building and the boundary of Killa No.20/2 but now the respondents were seeking to encroach upon that belt of three feet and constructed their building in the land of the appellants thereby blocking their windows etc. The case of the respondents, on the other hand, was that they were not encroaching on the land of the appellants but they were building on their own land.

The main reason which weighed with both the Courts below in dismissing the suit was that the appellants never took any steps to get the exact dimensions etc. of Killa No.20/2 demarcated either prior to the filing

of the suit or during the suit. Counsel for the appellants has not been able to show me how the appellants could have succeeded without having the exact dimensions of the area demarcated. Consequently, finding no merit this appeal is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

September 24, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No