

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

**RSA No.4297 of 2017 (O&M)
Date of Decision.30.10.2018**

Pushpa RaniAppellant
Vs
Saneh Lata and another ...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Navneet Singh, Advocate
for the appellant.

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AMIT RAWAL J. (ORAL)

The appellant-plaintiff had not been successful in claiming permanent and mandatory injunction against the respondent-defendant from constructing the house and the underground hall. It was alleged that the plaintiff claimed to be owner in possession of the residential house as per the site plan annexed with the plaint bearing M.C. Number 1154/4 and colony No.B-165 situated in Mohalla Kot, Sonapat.

The defendants contested the suit, raised numerous objections and stated that defendant No.1 had not dug any portion of her house and the level of house was perfectly all right.

On the preponderance of evidence, the Trial Court dismissed the suit and the appeal preferred against the judgment and decree of the Trial Court also met with the same fate.

Learned counsel for the appellant submitted that there is misreading of both oral and documentary evidence, resulting into concurrent finding of fact whereas the site plan brought on record had established alleged inaction.

I am afraid the aforementioned argument is not

sustainable. The plaintiff except his self-serving statement did not get the area demarcated or inspected the same proving alleged act of the defendant. The plaintiff miserably failed to discharge the onus as required under Section 101 of the Indian Evidence Act, thus, leaving no other option to the Courts below but to dismiss the suit.

I do not find any illegality and perversity in the judgments and decrees passed by both the Courts below, much less, no substantial question of law arises for determination. No ground for interference is made out. The second appeal is dismissed.

(AMIT RAWAL)
JUDGE

October 30, 2018

Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No