

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

RSA No.4834 of 2017 (O&M)

Date of decision : 27.07.2018

Charanjeet Singh

...Appellant

Versus

The President Municipal Committee/Council Ambala City and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

ANIL KSHETARPAL, J. (ORAL)

CM No.12815-C of 2017

For the reasons stated in the application, which is duly supported by an affidavit, delay of 71 days in filing the present 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 while dismissing the suit filed by the plaintiff claiming that there is a street in between the house and the site plan got sanctioned by defendant No.3 is illegal.

The defendants contested the suit and pleaded that defendant No.3 had purchased the property through sale deeds and thereafter she is

owner in possession of the same.

Both the Courts after appreciating the evidence have found that the plaintiff has failed to prove his case. Learned First Appellate Court has recorded a finding that defendant No.3 had purchased the area measuring 1183 square feet from Ram Lal vide sale deed Ex.D2 and the building plan which has been got sanctioned is regarding the same area i.e. 1183 square feet. The plaintiff has not led any evidence to prove that defendant No.3 had encroached upon any area of the street.

The findings arrived at by the Courts below are based upon the appreciation of the evidence which are neither shown to be perverse nor result of non-reading or mis-reading of the evidence.

In view thereof, there is no scope for interference.

Regular Second Appeal is dismissed.

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

27.07.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No