

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

RSA No.5520 of 2017 (O&M)

Date of decision : 24.08.2018

Jeet Ram and others

...Appellants

Versus

Gram Panchayat, Village Manjhawali and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rohit Rana, Advocate for
Mr. Kunal Dawar, Advocate for the appellants.

ANIL KSHETARPAL, J. (ORAL)

CM No.13206-C of 2018

Application is allowed.

Correct copy of grounds of appeal is taken on record, subject to
all just exceptions.

CM No.14618-C of 2017

For the reasons stated in the application, which is duly
supported by an affidavit, delay of 13 days in filing the present appeal is
condoned.

Application is allowed.

Main case

The plaintiffs-appellants are in the Regular Second Appeal
against the concurrent findings of fact arrived at by both the Courts below.

The plaintiffs filed a suit against the Gram Panchayat restraining them from constructing a drain on the ground that the property where the drain is sought to be constructed is part of his house.

In the written statement, the defendant took a stand that no doubt the plaintiff is owner of 312 square yards plot but in front of the aforesaid 312 square yards plot, there is a passage which has been marked as ABCD and in the aforesaid passage, the drain is sought to be constructed.

Both the Courts below after appreciating the evidence, have found that the place where the drain is sought to be constructed is part of a passage which is being used by all the villagers and the plot of the plaintiffs is intact without any interference to the extent of 312 square yards.

Although, learned counsel appearing for the plaintiffs-appellants, made a sincere attempt, however, could not draw attention of the Court to any perversity or non-reading or mis-reading of the evidence in the judgments passed by both the Courts below.

In view thereof, there is no ground to interfere.

Regular Second Appeal is dismissed.

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

24.08.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No