

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

RSA No. 6130 of 2017 (O&M)
Date of decision : August 01, 2018

Balbir and others

..... Appellants

v.

Isham Singh (dead) through LRs

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. RK Agnihotri, Advocate
for the appellants.

Ajay Tewari, J (Oral)

This appeal has been filed against the concurrent judgments of the Courts below decreeing the suit filed by the respondent.

The claim of the respondent was that the land in dispute was a public gali (street) in which his drains and ventilators opened. The case of the appellants was that in fact, they were using the land in dispute for ingress and egress. Both the Courts below noticed that it was not the case of either party that the land belonged to them and consequently came to the conclusion that it was public area. The Courts below further relied on the report of the Local Commissioner (PW4) to come to the conclusion that the ventilators and drains of the respondent were existing at the spot and consequently decreed the suit. Both the Courts below held that the appellants had not been able to prove that their gate opened in the land in

dispute.

Counsel for the appellants has argued that it was a case of the appellants that the ventilators and drains had been closed 8-9 years ago. This bald assertion is belied by the report of the Local Commissioner and consequently no fault is found with the reasoning of the Court below in preferring the report of the Local Commissioner to the self serving bald assertion of the appellants. 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.

August 01, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No