IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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RSA No.848 of 2017 (O&M)
Date of Decision : 31.07.2018

Avtar Singh and another

..... Appellants

Versus

Baljit Singh

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

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Present :- Mr. Anil Kumar Garg, Advocate
for the appellants.

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AJAY TEWARI, J. (Oral)

This appeal has been filed against the judgment of the lower appellate Court reversing that of the trial Court and thereby dismissing a suit filed by the appellants.

The admitted facts are that the appellants and respondent are neighbours. The appellants had filed a suit claiming that the respondent is digging his land and this digging would cause loss and damage to the land of the appellants. The lower appellate Court has relied upon a judgment of this Court in ***Gajja Singh Vs. Mohinder Singh and Ors., (1993) 103 PLR 496*** in which a similar suit for permanent injunction filed by that appellant was dismissed by holding that there was no imminent danger even if earth was dug up to the last inch, since no evidence was produced with regard to the damage if any to its extent. Even in the present case the appellants have not led any evidence as to the kind or extent of damage.

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Counsel has not been able to cite any contrary judgment also.

Consequently, no fault can be found with the judgment of the lower appellate Court.

Appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

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Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No

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