

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

**RSA No.3416 of 1987 (O&M)
Date of Decision.02.04.2019**

Narinder Kumar Sood (since deceased) through LRsAppellant

Vs

Surinder Kumar Sood (now deceased) through LRs and another
.....Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Amit Jain, Advocate
for the appellant.

Mr. Kunal Mulwani, Advocate
for the respondents.

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AMIT RAWAL J.(ORAL)

The present regular second appeal is directed against the concurrent finding of fact whereby suit of the appellant-plaintiff for permanent injunction restraining the defendants from constructing wall on their portion with mandatory injunction for demolition of the wall constructed, has been dismissed by the trial Court and affirmed in appeal.

Defendants opposed the suit and stated that plaintiff was not in possession of the suit land. During the pendency of the appeal before the lower Appellate Court, demarcation report came on record which found the street in tact. In such circumstances, dismissal of the suit was inevitable.

No fresh ground has been made out to enable this Court to form a different opinion by this Court than the one already arrived at, much less, no substantial question of law arises for determination by this Court. Resultantly, the second appeal is dismissed.

**(AMIT RAWAL)
JUDGE**

April 02, 2019
Pankaj*

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No