

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

RSA No.3302 of 2019(O&M)

Date of decision: 6.11.2019

Ram Niwas Rathi

.....Appellant

VERSUS

Ram Rati and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Gaurav Singla, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

CM No.12014-C of 2019

Heard.

Allowed as prayed for.

Annexure A-1 (marked as Ex.P4) is taken on record subject to just exceptions.

Disposed of accordingly.

RSA No.3302 of 2019

The present appeal directs challenge against judgments and decrees passed by the Courts whereby suit for permanent injunction restraining the appellant/defendant from opening or installing a gate, window, outlet or to have access to 16 ft. wide gali located towards southern side of house No.322 of appellant/defendant was decreed by the trial Court vide judgment and decree dated 22.08.2017 that came to be affirmed in appeal by the District Judge, Hisar.

Counsel for the appellant would argue that Amar Deep Colony and Amar Vihar have been created by builders without any permission from the Municipal Committee Hisar. The said area has been declared to be deficient in civic amenities and infrastructure. It is further submitted that as the gali in dispute is not a private gali of the respondents/plaintiffs, findings of the Courts suffer from an error and are liable to be set aside.

I have heard counsel for the appellant, perused the paper-book particularly the judgments impugned.

Perusal of the site plan Ex.P4 (Annexure A-1) reveals that house No.322 of the appellant/defendant opens on a 30 ft. wide road and the said house is in Amar Deep Colony. The gali in question is a road measuring 16 ft and house of plaintiff No.1 bears No.14 that opens On road 16 ft. wide. Counsel for the appellant has not disputed that his house/plot No.322 is a part of Amar Deep Colony whereas the disputed road measuring 16 ft. is a part of Amar Vihar wherein houses of the plaintiffs are situated. Counsel for the appellant has failed to successfully assail concurrent findings of fact much less to raise a question of law that needs determination after notice to the contesting party.

In view of what has been discussed hereinbefore, finding no merit, the appeal fails and is accordingly dismissed in limine.

NOVEMBER 6, 2019

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no