

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

**RSA No.6268 of 2016 (O&M)
Date of Decision.27.05.2019**

Sham Lal Thukral	Vs	...Appellant
Kartar Singh Jaura and others		...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Abhinav Gupta, Advocate
for the appellant.

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AMIT RAWAL J. (ORAL)

The short point involved in this case is that plaintiff, who sought declaration and mandatory injunction for removal of encroachment made by defendants in the absence of prayer under Order 23 CPC would be maintainable, the answer would be 'NO', for, even demarcation report placed on record did not support the alleged cause of action. The institution of the suit was only a figment of imagination.

The appeal is accompanied by an application for condonation of delay of 108 days in re-filing of the appeal. The explanation given is not reasonable and plausible.

In view of such circumstances, I do not find any illegality and perversity in the concurrent finding of fact and law rendered by Courts below, much less, no substantial question of law arises for determination by this Court. Resultantly, the second appeal is dismissed.

**(AMIT RAWAL)
JUDGE**

May 27, 2019
Pankaj*

Whether speaking/reasoned	Yes
Whether reportable	No