

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

RSA No.1141 of 2017 (O&M)
Date of decision:25.3.2019

Partap

... Appellant

Vs.

Ishwar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Sushil Jain, Advocate, for the appellant.

AMIT RAWAL J. (Oral)

In pursuance to the order dated 30.11.2018, costs of Rs.5000/- has been deposited.

The appellant-plaintiff has not been successful in claiming the injunction for removal of the wall alleged to be encroached by the defendants.

Learned counsel for the appellant submitted that there is admission of the defendants.

On reading out the written statement, there was none. Even otherwise, the suit could not have succeeded simply on the basis of the site plan as no demarcation report *prima facie* establishing the encroachment has seen the light of day. The dismissal of the suit was inevitable. This is what has been noticed by both the Courts below.

In view of the aforementioned observations, no ground is made out for interference in the impugned judgments and decrees.

Resultantly, the regular second appeal is dismissed.

(AMIT RAWAL)
JUDGE

March 25, 2019
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No