

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

**RSA No.6273 of 2017 (O&M)
Date of Decision.28.03.2019**

Pran Nath

...Appellant

Vs

The British India Corporation New Egerton Woolen Mills

..Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Abhimanyu Kalsy, Advocate
Legal Aid Counsel for the appellant.

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AMIT RAWAL J. (ORAL)

C.M. No.16375-C of 2017

For the reasons stated in the application, delay of 34 days
in filing of the appeal is condoned.

Application is allowed.

RSA No.6273 of 2017

The appellant-plaintiff in the regular second appeal is
aggrieved only partial dismissal of the suit qua prohibitory injunction
seeking restraint against defendants from not obstructing the plaintiff
to open door in the public street.

Before the learned counsel could address argument on
merit, specific question was raised as to whether the area where
construction sought to be raised falls within the municipal limits, the
answer was 'yes', it falls within the municipal limit of Dhariwal,
Tehsil and District Gurdaspur. Neither the Municipal Committee
impleaded or any evidence has been placed on record as to whether
any site plan was submitted for sanctioning for the purpose of raising

construction, the answer was 'no'. In such circumstances, relief as sought before the trial Court and in this Court could not have been granted.

The argument of Mr. Kalsy has not been able to cut an ice to bring the case within the realm of illegality and perversity, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. Resultantly, the second appeal is dismissed.

(AMIT RAWAL)
JUDGE

March 28, 2019

Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No