

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

**RSA-2612-1989 (O&M)
Date of Decision: 12.03.2020**

Purshotam Dass through his LRs

... Appellant

Versus

Sher Singh & Others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr.Dinesh Ghai, Advocate with
Mr.Nikhil Ghai, Advocate
for the appellant.

Mr.Harkesh Manuja, Advocate
for the respondents.

ARUN MONGA, J.(ORAL)

1. Having suffer concurrent findings, by virtue of which defendants have been restrained to raise any construction over any portion of street No.6 shown by the letters ABCD in the site plan(Ex.P1), they have filed instant regular second appeal challenging the judgments and decrees dated 15.10.1988 and 05.10.989 passed by the Courts below.

2. Brief facts first. Plaintiffs filed a suit against the predecessor-in-interest of appellants for permanent and mandatory injunction asserting that they are residents of Narinder Nagar No.2 located on Street No.6, which is 22 feet wide in between and in front of their houses. A plot bearing No.42 is situated along with southern side of said street No.6 was purchased by defendant. He thereafter started raising construction on it and also encroached the street in question reducing it to 18 feet. The encroachment materially impaired the comfort, use and enjoyment of plaintiffs and other inhabitants.