

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

210

RSA-5178-2012 (O&M)
Date of decision: 15.01.2020

HARYANA STATE URBAN DEVELOPMENT AUTHORITY ... Appellant

Versus

KIRAN JAIN AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Lokesh Sinhal, Advocate for the appellant.

Ms. Anupama Arigala, Advocate for the respondents.

REKHA MITTAL, J. (Oral)

Challenge in the present appeal has been directed against concurrent findings recorded by the Courts whereby suit for prohibitory and mandatory injunction filed by the respondents/plaintiffs was decreed by the trial Court vide judgment and decree dated 19.09.2008, as detailed in para 12 of the judgment of said Court. The appeal preferred by Haryana State Urban Development Authority (in short 'HUDA') was dismissed by the Additional District Judge, Hisar.

Perusal of judgments would reveal that dispute between the parties is in respect of water course which is stated to the source of irrigation for land of the respondents/plaintiffs.

Counsel for the respondents would inform that HUDA has re-aligned the water course and provided source of irrigation to the respondents from a different direction and as such, the appeals may be disposed of accordingly. She has referred to a letter dated 14.11.2003/20.11.2003 by Estate Officer, HUDA, Hisar to M/s Amar Industries, Jeewan Dhar Jain and Managing Director, Hisar Metal Industries Ltd. and copy thereof is taken on record. She would state that in view of the above, grievance of the respondents/plaintiffs stands vindicated and appeal may be disposed of accordingly.

Counsel for the appellant would state that in view of statement made by counsel for the respondents, judgments and decrees may be set

aside.

In view of the above, appeal stands disposed of. No order as to costs.

15.01.2020

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:	Yes / No
Whether reportable:	Yes / No