

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

**RSA No. 9812 of 2018
Date of decision: 19.02.2020.**

Jaswinder Singh Appellant.

Versus

Balwinder Galhotra and others Respondents.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Nimanyu Gautam, Advocate, for the appellant.

ANUPINDER SINGH GREWAL, J. (ORAL)

The appellant/plaintiff has challenged the judgments and decrees of the Courts below whereby the suit preferred by him for permanent injunction restraining respondents/defendants No. 1 and 2 from damaging and demolishing the wall and further from raising any sort of construction on the wall shown in red colour in the site plan attached with the plaint, has been dismissed.

Learned counsel for the appellant/plaintiff contends that the wall on the southern side of the house of the appellant/plaintiff was in exclusive ownership of the appellant/plaintiff and, therefore, his suit has erroneously been dismissed by the Courts below.

Heard.

The appellant/plaintiff had filed a suit for permanent injunction pleading that the wall on the southern side of his house is in his exclusive ownership. He had produced the sale deeds with regard to his ownership

over the house as Ex. P4 and Ex. P5. It has been held by the Courts below that there is no mention of any wall towards southern side of his house in these sale deeds. The appellant/plaintiff could not produce any document on record showing that he is in ownership of the wall on the southern side of his house. Therefore, as the appellant/plaintiff had not been able to prove his ownership over the wall on the southern side of his house, the relief as sought by him had rightly been denied by the Courts below. Consequently, I do not find any illegality in the judgments passed by both the Courts dismissing the suit of the appellant/plaintiff.

The appeal stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

19.02.2020
Ramesh

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