

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

103

RSA-4369-2013 (O&M)

Date of decision : 19.07.2022

Chatar Singh

...Appellant

Versus

Raj Kumar

....Respondent

CORAM : HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Suryakant Gautam, Advocate for
Mr. Rajesh K. Kataria, Advocate
for the appellant.

ANIL KSHETARPAL, J. (ORAL)

The dispute is only with regard to a hole (Mori) in order to discharge waste water from the house of the plaintiff. The appellant does not dispute the existence of hole for discharge of the waste water, however, claims that the same was temporarily permitted as the plaintiff requested him to discharge the water in his plot. The Ist Appellate Court has noticed that from perusal of Ex.P1, it is evident that there is a drain adjacent to the house of the plaintiff and the water is flowing therein to the plot of the appellant.

Learned counsel representing the appellant contends that no evidence has been placed on record to prove photo i.e. Ex.P1. In para 15, the Ist Appellate Court has recorded as under :-

“The existence of Mori has been admitted by defendant, however, it was pleaded that the defendant permitted to open Mori (hole) in the land in question, as the plaintiff requested him for the same on the ground that after filing of earth in his plot he will close the said 'Mori'.”

Even PW1 Sh.R.K.Mehta, Civil Draftsman, appeared in evidence and produced Ex.P2, a layout plan to prove that in the north of the house of the plaintiff there is a street. The various house-owners have not only opened their gates towards the street but also the windows towards that particular street.

Dismissed.

19.07.2022
anju

(ANIL KSHETARPAL)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No