

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

105

**RSA-2990 of 2014(O&M)
Date of Order: 24.05.2022**

Prem Singh and another

..Appellants

Versus

Kaushalya Devi and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vineet Chaudhary, Advocate,
for the appellant.

Mr. N.S.Dhillon, Advocate,
for respondent no.1.

Mr. Ashutosh Kaushik, Advocate
for respondent no.2 to 7.

ANIL KSHETARPAL, J(Oral)

While assailing the findings of fact arrived at by the First Appellate Court, the plaintiffs have filed the present appeal. The dispute is with regard to the existence of the street in the residential area of the village. It has come in evidence that in the previous term, the office bearers of the Gram Panchayat passed a resolution requesting the plaintiffs to handover the vacant possession to the Gram Panchayat and not to encroach upon the public street. Even in the next term, the office bearers issued notices to the plaintiffs for the same. The plaintiffs rather than replying to the notices, filed a suit for permanent injunction. A Local Commissioner was appointed by the Court and it was found that the plaintiffs have encroached upon the public street. When the plaintiffs appeared in evidence, they stated that it is their private street. From a bare look at the layout plan, it is evident that the house of the plaintiffs is situated nowhere near the alleged street. The First Appellate Court on appreciation of evidence has recorded a finding of fact which cannot be reversed unless the learned counsel representing the

appellants draws the attention of the Court to any perversity or misreading of any material evidence. The learned counsel representing the appellants, though made a sincere attempt, however, failed to draw the attention of the Court to any documentary evidence to prove that the property in dispute exclusively belong to the plaintiffs. It has also come in evidence that ahead of this street, there is a temple as well tomb and the street is required for going to the aforesaid public places.

Hence, no ground to interference is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

May 24, 2022

nt

(ANIL KSHETARPAL)
JUDGE

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