

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102

2024:PHHC:034060

RSA-369-1994 (O&M)
Date of decision: 11.03.2024

DINA NATH ..Appellant

Versus

DURGA DASS (DECEASED) THROUGH LRS ..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. K.S. Dadwal, Advocate
for the appellant.

Mr. Rahul Sharma, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

1. This regular second appeal has been filed to challenge the correctness of the concurrent findings of fact arrived at by the Courts below while decreeing plaintiff's suit for grant of permanent injunction restraining the defendant (appellant herein) from preventing the plaintiff to construct wall on eastern side of the plaintiff's house.
2. This appeal has come up for hearing after a period of 30 years.
3. The learned counsel representing the parties are ad idem that the plaintiff has already constructed his house including the eastern side wall.
4. The learned counsel representing the respondent submits that the position as it exists today shall be maintained.
5. The learned counsel representing the petitioner submits that the defendants are using some passage, which has been provided by the plaintiff, however, he submits that in view of the statement given by the learned counsel representing the respondent (plaintiff), the appeal is disposed of.
6. Ordered accordingly.

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

March 11th, 2024
Ay

(ANIL KSHETARPAL)
JUDGE

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