

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.2824 of 2018(O&M)

Date of Order:19.01.2024

Som Nath @ Gogi (since deceased) through LR's and others

..Appellants

Versus

Gurpala and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Sarju Puri, Advocate
for the appellants.**

ANIL KSHETARPAL, J

1. In this regular second appeal, the defendants assail the correctness of the concurrent findings of fact arrived at by the courts below while decreeing the plaintiff's suit for grant of decree of permanent injunction restraining the defendants, in any manner, from interfering or obstructing the plaintiffs in the discharge of rainy and daily use water by way of drains into a pond which has been constructed by the Gram Panchayat.

2. It is the case of the plaintiffs that they are discharging their water in the drain constructed by the Gram Panchayat for the last 50 years which ultimately culminates into a pond.

3. In the written statement, the defendants did not dispute the existence of drains, however claim that the pond is being used as a fish pond.

4. Both the courts on appreciation of the evidence have come to a conclusion that the drains have been constructed by the Gram Panchayat and the villages are discharging their water in the aforesaid pond through the

aforesaid drains. Even the Local Commissioner was appointed, who reported to the court that there is the existence of pond. In fact, it has come on record that the fish pond is located in khasra no.11/1. The learned counsel representing the appellants though made a sincere attempt, however, failed to draw the attention of the Court to any substantive misreading or non-reading of the evidence in the impugned judgments. He also failed to point out any perversity in the impugned judgments.

- 5. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.
- 6. Dismissed
- 7. All the pending miscellaneous applications, if any, are also disposed of.

January 19, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO