



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

(209)

RSA-3732-1998 (O&M)

Date of Decision:-27.10.2025

GURNAM SINGH

... Appellants

Versus

SUKHMANDER SINGH AND OTHERS

... Respondents

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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Ashok Singla, Advocate and
Mr. Dheeraj Singla, Advocate,
for the appellant.
Mr. I.S. Brar, Advocate,
for the respondents.

VIRINDER AGGARWAL, J. (Oral)

1. The present regular second appeal has been filed assailing the concurrent judgments of the learned Courts below. Respondents/plaintiffs have filed a suit for permanent injunction restraining the appellant/defendant from encroaching upon any part of the street 15 feet wide marked red in colour in the attached site plan and from blocking and causing obstruction in the flow of rainy water towards the phirnies.

2. The suit was contested by the appellant/defendant by filing a written statement that there is no street as alleged by the respondents/plaintiffs and that the houses of the parties are also not in straight line and that the suit be dismissed.

3. From the pleadings of the parties, following issues were framed:

“(1) Whether there is a street as shown in the site plan filed with the plaint? OPP



(2) Whether the plaintiffs are entitled to the injunction prayed for?
OPP

(3) Relief.”

4. Both the parties were provided opportunity to lead evidence and thereafter, the learned Sub Judge, First Class, Faridkot decreed the suit in favour of the respondents/plaintiffs and appellant/defendant was restrained from encroaching upon any part of the disputed street, which is 10 feet wide and was further restrained from blocking and causing obstruction in the flow of rainy water in the street towards the phirnies.

5. Appeal was preferred.

6. The learned Additional District Judge after hearing the parties dismissed the appeal.

7. Aggrieved by the judgment and decree so passed, this regular second appeal has been filed, which was admitted for hearing.

8. Notice to respondents/plaintiffs was issued who appeared through counsel.

9. Record was requisitioned.

10. I have heard the arguments and gone through the record carefully.

11. During the course of arguments, both the counsels agreed that the interest of justice would be served if judgment and decree is modified as per the report of Local Commissioner as in the report of Local Commissioner, the width of the street on the southern side is shown to be 4-5 feet wide whereas, on the northern side, it is 10 feet wide.

12. Accordingly, the instant appeal is disposed of and judgment and decree passed by learned Additional District Judge, Faridkot is modified and the



suit of the respondents/plaintiffs is decreed to the extent that appellant/defendant is restrained from encroaching upon the street as shown in the report of Local Commissioner, which is made part of the decree and they are further restrained from obstructing the flow of rainy water towards the phirnies.

13. Pending miscellaneous applications, if any, are also disposed of accordingly.

27th October, 2025
S. Pathania

(VIRINDER AGGARWAL)
JUDGE

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