



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-622-2001 (O&M)

STATE OF HARYANA

. . . . Appellant

Vs.

BALBIR SINGH AND OTHERS

. . . . Respondents

Reserved on: 20.11.2025
Pronounced on: 26.11.2025
Uploaded on: 26.11.2025

CORAM: HON’BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Gaurav Garg, AAG, Haryana, for the appellant.
None for the respondents.

DEEPAK GUPTA, J.

The defendant–State of Haryana and its officials are in Regular Second Appeal challenging the concurrent findings of fact recorded by both the Courts below. The suit (Civil Suit No.183 of 1993) for recovery of compensation/damages amounting to ₹2,00,000/-, filed by the plaintiff Balbir Singh, was decreed by the learned trial Court on 14.08.1999. The defendants’ first appeal was dismissed by the learned First Appellate Court on 17.10.2000, thereby affirming the findings of negligence and liability.

2. The case set up by the plaintiff was that he was owner in possession of two houses situated in village Bichpari, Tehsil Gohana, District Sonipat. The State of Haryana, through its Public Health Department, installed a *Water Supply Scheme* in the village and laid PVC pipelines in the streets, including the street adjoining the plaintiff’s houses. According to the plaintiff, the pipes soon developed leakage and despite repeated oral complaints to defendants No.2 and 3, no remedial action was taken. The site plan filed with the plaint showed specific points of leakage. Owing to persistent leakage, the water allegedly entered the underground foundation through sub-soil channels, weakening the structure and causing

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cracks in the walls. Even a registered notice sent by the plaintiff failed to prompt any corrective measure. As a result, the walls of the houses collapsed on 01.06.1993 and the total loss was assessed at ₹2,00,000/-. He, therefore, filed the suit after serving statutory notice.

3. The defendants, on the other hand, denied all allegations. They contended that no leakage occurred in the water pipelines installed by the Public Health Department and asserted that no complaint was ever received from the plaintiff or from any villager. It was further pleaded that the damages were due to other natural or structural causes and that the plaintiff had concocted a false story merely to claim compensation from the State.

4. On the basis of the pleadings, necessary issues were framed and the parties led evidence. Upon appreciation of the oral and documentary evidence, the learned trial Court recorded a categorical finding that the collapse of the plaintiff's houses was directly attributable to negligence on the part of the defendants in maintaining and repairing the leaking water supply pipelines. The trial Court awarded compensation of ₹2,00,000/- along with interest @ 12% per annum vide judgment dated 14.08.1999.

5. In the appeal filed by the defendants, the learned First Appellate Court undertook a fresh and independent appraisal of the entire evidence as required under Section 96 CPC, and concurred with the trial Court's findings on negligence, causation and quantum. The appeal was consequently dismissed on 17.10.2000.

6. Assailing these concurrent findings, learned State counsel argued that the Courts below did not properly appreciate the evidence. However, when specifically queried by this Court, learned counsel fairly conceded that the appeal arises purely from concurrent findings of fact and that no substantial question of law is even arguable.



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7.

In a Regular Second Appeal under Section 100 CPC, the jurisdiction of this Court is confined to examine *substantial questions of law*. The Supreme Court has consistently held that concurrent findings of fact cannot be interfered with unless shown to be perverse, based on no evidence, or suffering from gross misreading of material evidence. Mere re-appreciation of evidence is impermissible in second appeal.
8.

In the present case, no flaw, much less perversity, has been pointed out in the concurrent findings. The negligence of the defendants is based on tangible evidence such as site plan, witness statements, and the admitted failure of authorities to act on repeated complaints. Both Courts found the chain of causation between leakage and structural deterioration duly established.
9.

This Court has nevertheless perused the record and the judgments of both Courts below, and finds that the findings are based on proper appreciation of evidence and correct application of law. No material irregularity or legal infirmity has been shown. Once the First Appellate Court, being the final Court of facts, has upheld the trial Court’s findings, this Court cannot substitute its own view merely because another conclusion is possible.
10.

In view of the above legal position and finding no substantial question of law arising for consideration, the present appeal is devoid of any merit and is hereby dismissed.

(DEEPAK GUPTA)
JUDGE

26.11.2025

Vivek

<i>Whether Speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>