



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

RSA-1566-2023 (O&M)

Date of decision : 14.05.2026

RAGHBIR SINGH

....Appellant

Versus

GULAB SINGH

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ajay Ghangas, Advocate
for the appellant.

PANKAJ JAIN, J. (ORAL)

CM-5714-C-2023

This is an application filed under Section 5 of Limitation Act seeking condonation of delay of 182 days in filing the instant appeal.

For the reasons recorded in the application, this Court is satisfied that the applicant/appellant has made out a sufficient cause for condonation of delay.

Consequently, the present application is allowed. The delay of 182 days in filing the instant appeal is hereby condoned.

RSA-1566-2023 (O&M)

Plaintiff is in second appeal.

2. For convenience and to avoid confusion, the parties hereinafter are referred to as by their original position before the Court of the First Instance i.e., the appellant as 'plaintiff' and the respondent as 'defendant'.

3. Suit was filed by the plaintiff seeking decree of permanent injunction restraining the defendant from raising/placing any construction over the northern wall marked by letters AB in the site plan attached to the plaint as the plaintiff claimed the same to be exclusively owned by him.

4. Both the Courts below have held that the plaintiff failed to lead any cogent evidence to prove his exclusive ownership over the wall. Rather the site plan Exhibit P-1, shows that the wall in question is a common wall between the houses of the appellant and the respondent. The suit stands dismissed.

5. Admittedly, the suit was accompanied by an application under Order XXXIX Rule 1 & 2 CPC as well. The temporary injunction was declined. Thus, apart from there being no evidence to prove that wall marked by letters AB was exclusively owned by appellant, the construction which was in process already stands completed.

6. In view thereof, this Court finds no reason to interfere in the well reasoned findings of fact recorded by the Courts below.

7. Resultantly, finding no merit in the present appeal, the same is ordered to be dismissed.

8. Pending application, if any, shall also stand disposed off.

May 14, 2026

(Pankaj Jain)

Dpr

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No