



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

**RSA-357-2023 (O&M)
Date of decision : 27.02.2025**

Hans Raj

...Appellant

Vs.

Kaushalya Devi and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Achin Gupta, Advocate
Mr. Karan Bansal, Advocate
for the appellant.

ANIL KSHETARPAL, J. (Oral)

1. This regular second appeal has been filed by the plaintiff to assail the correctness of the First Appellate Court's judgment which in turn has reversed the judgment of the trial Court.

2. The plaintiff filed a suit for grant of decree of permanent injunction restraining the defendants from digging a drain to discharge their waste water. The trial Court decreed the suit. The plaintiff and defendants are neighbours. The street is on the western side of their houses. The plaintiff has constructed a septic tank in the street. However, the plaintiff wants that the defendant is not even entitled to dig a drain to discharge the flow of water. The existence of street is not in dispute. The existence of defendant's house is also not in dispute. The defendant is constructing a cemented drain to avoid any seepage which may cause damage to the plaintiff's property. The First



Appellate Court has taken a plausible view of the matter.

3. Keeping in view the aforesaid facts, no ground to interfere is made out.

4. The appeal is dismissed.

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

27.02.2025

neeraj

(ANIL KSHETARPAL)

JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No