
(2015) 01 RAJ CK 0193
In the Rajasthan High Court
Case No : Civil Second Appeal No. 135/2012

Chandra Kanta

APPELLANT

Vs

Secretary, UIT

RESPONDENT

Date of Decision : 06-01-2015

Acts Referred:

Citation : (2015) 1 WLN 452

Hon'ble Judges : Vineet Kothari, J.

Bench : Single Bench

Advocate : Sajjan Singh, for the Appellant; Vijay Purohit, Advocates for the Respondent

Final Decision : Dismissed

Judgement

Dr. Vineet Kothari, J.—The present second appeal has been filed by the appellant being aggrieved by the judgment and decree dt. 15/2/2012 passed by the learned Addl. District Judge No. 3, Udaipur in Civil Appeal No. 5/2009, whereby, the judgment and decree dt. 18/12/2008 passed by the learned trial Court of Civil Judge (Jr. Division), City North, Udaipur in civil suit No. 20/2003 (Smt. Chandra Kanta v. Secretary, UIT, Udaipur and anr.) has been affirmed. The brief facts of the case are that the appellant filed a suit for permanent injunction against the respondent UIT, Udaipur in respect of the land of Araj No. 479 situated in Udaipur. It is claimed by the appellant that the said land is a residential area having a house, exhibition area and Manglam Garden and the appellant has also constructed a road for the use and occupation of the said property in question. The suit was filed by the appellant alleging that the defendant - UIT, Udaipur is bent upon the construct a new road through the suit property in question. The learned trial Court vide judgment and decree dt. 18.12.2008 partly decreed the suit and directed that the defendant-UIT, Udaipur not to proceed with the construction of new way without hearing the appellant-plaintiff. The learned first appellate Court while dismissing the appeal of the plaintiff, upheld the judgment and decree of the learned trial Court.

2. Having heard the learned counsels for the parties and having gone the reasons assigned by the Courts below and the record of the case, this Court is of the opinion that no substantial question of law arises in the present second appeal for determination by this Court. The Courts below have directed the UIT, Udaipur to give an opportunity of hearing to the appellant-plaintiff and then decide in accordance with law whether a public way can be opened in the land in question or not. Since, no substantial question of law arises for determination by this Court, no interference is called for in the present second appeal filed by the appellant-plaintiff. The present second appeal is, thus, found to be devoid of merit and same is accordingly dismissed.