

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CR 2622 of 2015

Date of Decision: July 6 2015

Natha Singh and ors.

.....Petitioners

Vs.

Surinder Pal @ Kala and ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.V.K. Sandhir, Advocate
for the petitioners.

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M.M.S. BEDI, J. (ORAL)

This is plaintiffs' revision petition against the orders passed by the Courts below dismissing the application under Order 39 Rules 1 and 2 CPC to restrain the defendant- respondents from interfering in a passage, claimed to be the ownership of the plaintiff- petitioners. The petitioners are not claiming the passage in dispute by way of easement right on the ground that there is no other passage.

With the assistance of learned counsel for the petitioners, I have gone through the plaint. In para 5 of the plaint, the petitioners have claimed passage in dispute to be private passage of the plaintiff- petitioners meant for

ingress and outgress of their fields being owned by the plaintiffs on the basis of sale deeds in favour of their predecessor-in-interest. The defendant-respondents have specifically mentioned that the plaintiffs have got other passage available provided under the scheme of consolidation.

Taking into consideration the nature of the controversy between the parties, I am of the opinion that prima facie the plaintiff- petitioners have not placed on record any document establishing that the passage in dispute is the only passage meant for the ingress to the fields of the plaintiff-petitioners or that the said passage falls within the ownership of the plaintiffs. No ground is made out for interference in the impugned order.

Dismissed. It is specifically observed that anything mentioned in this order or in the orders passed by the Courts below, will not, in any manner, prejudice the rights of the petitioners on the basis of the evidence which is yet to be produced. However, the trial Court is directed to conclude the trial within a period of one year.

July 6 2015
sanjay

(M.M.S.BEDI)
JUDGE