

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.3599 of 2011 (O&M)

Date of Decision.31.08.2015

Jagbir Singh

.....Appellant

Versus

Ranbir Singh

.....Respondent

Present: Mr. HNS Gill, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The suit for injunction filed by the plaintiff came to be decreed taking note of the fact that the defendant himself filed his suit for partition and rights of parties as regards the passage demarcated as ABCD will abide by the decision in the partition action. The Court found the existence of passage to be true. While the contention of the defendant was that it was a passage which he had laid, the plaintiff's contention was that it was a public street. The manner of whether it is public street or a part of a private property belonging to the defendant will be an issue that will fall for consideration in the partition action. It appears that the partition suit has also been decreed and according to him, this passage has been kept in his share. The Court will decide at the final decree proceedings on whether the property should be kept exclusively for the benefit of the defendant only who is the plaintiff in

that suit or it could be kept for the benefit of the plaintiff as well. The Court below was justified in stating that the status quo regarding character of property as the passage must be retained till a final adjudication is made and completed in the partition proceedings.

2. I do not find any cause for interference with the judgment passed by the Court below and decline to make any interference. The second appeal is dismissed but with the above observations.

(K. KANNAN)
JUDGE

August 31, 2015
Pankaj*