

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

-:-

**R.S.A No. 6348 of 2014 (O&M)
Decided on : February 09, 2015**

Mohan Singh & Anr.

... Appellants

Versus

Ajaib Singh & Ors.

... Respondents

CORAM : HON'BLE MR.JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. G.P.S.Bal, Advocate, for the appellants.

Mahavir S. Chauhan, J. (Oral)

Learned counsel for the appellants contends that court fee has been correctly paid.

I have heard learned counsel for the appellants on merits, though the appeal is barred by time as regards its refiling.

Challenge in this Regular Second Appeal brought by the defendants is to judgment/decreed dated 01.04.2014, whereby appeal of defendants against judgment/decreed dated 27.02.2013 decreeing the suit of the plaintiffs/respondents for permanent injunction, has been dismissed.

The only contention put forth on behalf of the appellants is that even the Courts below have reached a conclusion on the basis of Exhibit D-3, *Aks Shijra* and Exhibit D-5, jamabandi for the year 1974-75 that the plaintiff is owner of khasra No. 452 and has no concern with the land comprised in khasra No. 454.

True, the courts below have so held, but it is also equally true

that both the Courts below have concurrently found that in Exhibit D-5, jamabandi for the year 1974-75 though a passage is shown to be in existence, but it is not shown to be exclusively meant for the defendants/appellants. To put it otherwise, the passage comprised in khasra No. 454 being not meant for exclusive use of the defendants/appellants, they cannot be allowed to obstruct its use by the plaintiff/respondent.

In view of the above, I do not find any ground to interfere with the concurrent findings of fact recorded by the Courts below, more so because the appeal is not shown to involve any substantial question of law.

Dismissed.

February 09, 2015
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[Mahavir S. Chauhan]
Judge