

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

**CM No.1322-C of 2011 in/and
RSA No.487 of 2011 (O&M)
Date of decision : 18.08.2017**

Zora Singh

..... Appellant

Vs.

Ranjit Singh and others

... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Ms. Sonia G.Singh, Advocate
for the appellant.

Mr. Gulam Nabi Malik, Advocate
for respondents No.1 to 7.

AJAY TEWARI, J.(ORAL)

CM No.1322-C of 2011

For the reasons recorded, the application is allowed.

Condonation of delay of 208 days in re-filing the appeal is condoned.

RSA No.487 of 2011

This appeal has been filed against the concurrent judgments of the Courts below decreeing the suit for permanent prohibitory injunction filed by the respondents in which they had claimed that there was a passage of 2 karams wide passage in khasra No.1789 and 1790 and praying that the appellant be restrained from trying to encroach upon that passage.

The brief facts are that the respondents and appellant had purchased the land belonging to Nahar Singh. The respondents had purchased the land earlier in the year 1975 while the appellant purchased it subsequently in 2004. By way of evidence the respondents placed on

record the sale deed in their favour by Nahar Singh (of 1975) (ex. P9) in which Nahar Singh had mentioned that he had left a 2 karams wide passage which would remain common between the parties. The claim of the appellant on the other hand was that the passage not having been reflected in the revenue record did not exist.

Both the courts below relied on the fact that the appellant had also purchased the land from Nahar Singh and held that they would be subject to the same limitations as their predecessor-in-interest and once Nahar Singh had accepted that he had left a 2 karams passage in the land in dispute the existence thereof would be proved regardless of the fact that it was not entered in the revenue record.

Learned counsel for the appellant has not been able to show me how these findings are wrong.

Appeal is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

18.08.2017
pooja sharma-I

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No