

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

**RSA No.5431 of 2012 (O&M)
Date of Order:14.11.2017**

Ved Pal

..Appellant

Versus

Rattan Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Yashasvi Kapila, Advocate, for
Mr. Kunal Dawar, Advocate,
for the appellant.

Mr. Lokesh Sinhal, Advocate,
for respondents no.1 and 2.

ANIL KSHETARPAL, J (Oral)

Plaintiff no.1-appellant is in regular second appeal against the concurrent findings of fact arrived at by the Courts below.

Plaintiffs filed a suit for permanent injunction restraining the defendants perpetually from interfering in the smooth egress and ingress of plaintiffs from the passage 10 feet wide shown in red colour in the site plan attached with the plaint.

Defendants contested the suit and claimed that there was no passage and the property was purchased by the defendants vide registered sale deed in the year 1965. It was pleaded that the plaintiffs have their passage from Pyala to Asawati road. It was further pleaded that plaintiff no.1 was working as a clerk with one Mrs. Shashi Sharma, Advocate, Faridabad and by misusing the blank signed papers a settlement deed has been drafted.

Both the Courts after appreciating the evidence available on the

record, recorded a concurrent findings of fact that the plaintiffs have a passage from Pyala to Asawati and no passage is available as alleged by the plaintiffs. Learned courts below further held that the alleged settlement has not been proved on the file.

I have heard counsel for the parties at length and with their able assistance gone through the judgments passed by the Courts below.

It is not in dispute that in the revenue record, no passage as alleged by the plaintiffs has been shown. In other words, there is no record of passage in between the houses of the plaintiffs and the defendants.

Still further, both the Courts have concurrently found that the alleged passage is in fact part of the land purchased by the defendants through sale deed. This finding is not shown to be erroneous.

Learned counsel for the appellant could not bring to the notice of this Court any misreading of evidence or perversity in the judgment passed by the Courts below.

Taking into consideration the aforesaid facts, this Court does not find any good ground to interfere with the concurrent findings of fact arrived at by the Courts below. The regular second appeal is dismissed.

November 14, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No