

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

RSA No.2944 of 2015 (O & M)
Date of decision :26.09.2017

Naib Singh

...Appellant

Versus

Balbir Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashok Giri, Advocate
for the appellant.

Mr. Baltej Singh Sidhu, Advocate
for respondent Nos.1 and 2.

ANIL KSHETARPAL, J. (Oral)

Plaintiff-appellant is in Regular Second Appeal against the concurrent findings of fact arrived at by the Courts below.

Dispute in the present case is with respect to a place, which the plaintiff claims to be a public street, whereas it is the case of the defendant that it is a part of their house.

Plaintiff and defendant No.1 are brothers. Plaintiff had filed a suit claiming that defendant Nos.1 and 2 have blocked a common passage.

Both the Courts after appreciating the evidence available on the file, have recorded a concurrent finding of fact that the plaintiff has failed to prove existence of any public street. The Courts have further noticed that the plaintiff already has a 'pucca' street from the southern side of the property of the houses.

Learned counsel for the appellant has tried to convince me that once the documents Ex.P-4 to Ex.P-6, Ex.P-10, Ex.P-12, Ex.P-19 and Ex.P-

counsel has admitted that the plaintiff does have a passage from the southern side of the properties, however, there can be more than one passage to the house.

No doubt, the documents as noticed above were exhibited, however, exhibition of documents does not dispensed with the proof of the documents. Plaintiff had produced on file, photocopies of certain documents which were in the form of an enquiry by the SHO, Office of DDPO etc. However, the original of these documents had not been produced.

Still further, such reports submitted by the officials were not binding upon the civil Court. In the present case, the Courts have independently examined the evidence led by the parties and have held that the plaintiff has failed to prove existence of any public street in between the houses of the plaintiff and defendant No.1. There is a concurrent finding of fact arrived at by the Courts below. In Regular Second Appeal, the jurisdiction of the Court to interfere in the concurrent findings of fact is limited.

Counsel for the appellant could not bring to my notice, any substantive misreading of evidence or non-reading of evidence.

In view thereof, I do not find any good ground to interfere with the concurrent findings of fact arrived at by the Courts below.

Hence, this Regular Appeal is dismissed.

26.09.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/reasoned: Yes
Whether Reportable : No