

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

RSA-1412-2016 (O&M)

Date of decision: July 05, 2018

Gurdial Singh

...Appellant

Versus

Parshotam Lal

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Gaurav Chopra, Advocate for the appellants.

Rajan Gupta, J.

Present appeal has been preferred to impugn findings of two courts below on the ground that same are perverse and based on misappreciation of evidence.

Plaintiff Parshotam Lal filed a suit for declaration regarding the stairs constructed in property No.1730 alongwith consequential relief of permanent injunction, restraining defendant from demolishing/ dismantling the said stairs in order to deprive the plaintiff of his legal right to enjoy the same to have access to the roof. Said property was purchased by Boora Ram, father of the plaintiff, vide registered sale deed dated 12.08.1986 and after his death, plaintiff inherited the same. Suit was resisted by the defendant, who took up the plea that he is owner in possession of the stairs in question being part of shop No.1729. On the pleadings of the parties, trial court examined whether stairs in dispute are common between the parties and whether defendant is threatening to

demolish the same forcibly. Certain other issues were also framed regarding use of the staircase in question. The trial court observed that certificates i.e. Ex.D1 and Ex.D3 do not confer any ownership right qua the suit property in favour of any party. From sale deed Ex.P1 it stands proved on record that respondent Parshotam Lal had purchased the property No.1728 alongwith right to use the stairs in question, constructed in property bearing Municipal No.1730. It, thus, decreed the suit. Findings were affirmed by the lower appellate court.

Only plea raised before this court is that judgments of two courts below are based on misappreciation of evidence as well as law. I find no substance in this plea. A perusal of concurrent findings of two courts below reveals that same suffer from no infirmity. No other substantial question of law has been urged.

Dismissed.

(RAJAN GUPTA)
JUDGE

July 05, 2018
'Rajpal'

Whether speaking / reasoned	Yes / No
Whether Reportable:	Yes / No