

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

**Regular Second Appeal No. 2146 of 2016 (O&M)**

**Date of decision: 18.9.2018**

Pritam Singh and others

**... Appellants**

**Versus**

Neelam Rani

**... Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**Present:** Mr. G.S.Jagpal, Advocate,  
for the appellants.

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**ANIL KSHETARPAL, J.**

The plaintiffs-appellants are in regular second appeal against the concurrent findings of fact arrived at by the courts below while dismissing the suit filed by them for mandatory injunction directing the defendant to close their ventilators and door opening towards a street exclusively owned by them.

The plaintiffs claimed that their predecessors had purchased the property vide registered sale deed dated 12.6.1959 and since there was no passage, hence, left a private passage measuring 8 feet x 270 feet.

The defendant contested the suit and pleaded that it is not a private street but a public street, notified by Municipal Corporation in the year 1979.

Learned trial Court after appreciating the evidence held that the

street is a public street as notified by Municipal Corporation, Ludhiana. The Court further held that the judgment and decree relied upon by the plaintiffs dated 18.2.2006 does not declare the property in dispute to be a private street, hence, the suit filed by the plaintiffs was dismissed.

Learned first appellate court also after re-appreciating the evidence affirmed and upheld the findings of fact arrived at by the court below.

Learned counsel for the appellants although sincerely tried to persuade this Court to take a different view, however, he failed to point out any perversity or error in the judgments passed by both the courts below.

Learned counsel for the appellants could not draw attention of this Court to any misreading or non-reading of substantive evidence.

Keeping in view the above, this Court does not find any good ground to interfere in the concurrent findings of fact.

Accordingly, the appeal is dismissed.

**( ANIL KSHETARPAL )**  
**JUDGE**

**September 18, 2018**

Paritosh Kumar

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No