

The case of plaintiff-appellant is that he has been using a passage shown in red colour in site plan which is approach to his house and is a private passage. Defendants should be restrained from using the said passage. Before the trial Court, plaintiff-appellant failed to prove that it is a private passage. The entire evidence including compromise between the parties was discussed. Plaintiff-appellant while appearing as PW3 admitted the site plan of defendants to be correct. Consequently, suit was dismissed. The findings were affirmed in appeal.

RSA No. 6432 of 2016 (O/M)

After going through the file, I am of the view that these are findings of facts in which there is no illegality or perversity. No question of law is involved. Therefore, in the Regular Second Appeal, there is no ground to interfere in concurrent findings recorded by two Courts below. Consequently, instant Regular Second Appeal is dismissed.

(KULDIP SINGH)
JUDGE

15.2.2018
sjks

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No