

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

RSA No.3887 of 2018 (O&M)

Date of Order:07.12.2018

Gurmej Singh and another

..Appellants

Versus

Harjinder Singh and others

..Respondents

RSA No.4113 of 2018 (O&M)

Gurmej Singh and another

..Appellants

Versus

Ajit Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Monika Mehta, Advocate, for
Mr. Rakesh Kumar, Advocate,
for the appellants.

ANIL KSHETARPAL, J(Oral)

By this order, Regular Second Appeal Nos.3887 and 4113 of 2018 shall stand disposed of.

Plaintiffs-appellants are in the regular second appeal against the judgment passed by the learned first appellate court.

Dispute between the parties is with respect to a passage. Plaintiffs claim that there is a passage whereas defendants denies the same. Originally both the parties were joint owners of the property. Plaintiffs filed an application for partition of the land. The competent authority under the Punjab Land Revenue Act partitioned the property.

Both the courts have found that at the time of partition, no passage was left. Learned trial court after recording a finding that no passage has been left and the jurisdiction of the civil court to examine the

correctness of the order of partition passed by the competent authorities under the Punjab Land Revenue Act is barred, granted relief of injunction in favour of the plaintiffs.

The learned trial court as well as the first appellate court both have found as a matter of fact that the plaintiffs-appellants have failed to prove that they have perfected their right of easement of passage. The first appellate court has recorded that the plaintiffs failed to prove that there was any violation of principle of natural justice which may give power to the court to interfere. Still further a revenue official has been examined, namely, DW4 Dharmender who has stated that the stand taken by the plaintiffs is false as there is no passage to reach to the property of the plaintiffs.

Keeping in view the aforesaid findings, which are neither shown to be perverse nor result of misreading or non-reading of the evidence. This court does not find any good ground to interfere.

The regular second appeals are dismissed.

C.M.No.10104-C of 2018

Prayer in this application is for condonation of delay of 43 days in filing the appeal.

For reasons mentioned in the application, which is supported by an affidavit, the delay of 43 days in filing the appeal is condoned.

Application is allowed.

December 07, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No