

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

106

RSA-500-2017 (O & M)
Date of Decision:15.10.2018

Darbara Singh and others

...Appellants

Versus

Shamsher Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Manu R. Bhardwaj, Advocate
for the appellants.

ANIL KSHETARPAL, J.(Oral)

CM-1096-C-2017

For the reasons stated in the application, which is duly supported by an affidavit, delay of 19 days in filing the appeal is condoned.

Application is allowed.

Main Case

Defendants-appellants are in the regular second appeal against the concurrent findings of fact arrived at by both the Courts below.

Plaintiff had filed a suit for permanent injunction restraining the defendants from encroaching upon a passage 2 karam wide comprised in Khasra No.989 duly recorded in the revenue record as well as in the lay out plan as a passage. Defendants did not dispute regarding existence of the passage, however, disputed the length of the passage.

Both the Courts after examining the evidence have found that the land in dispute is part of a passage which is being used by the parties for

reaching to their respective fields. It has been proved on file that at the time of consolidation, this passage was left for use of everyone.

Learned counsel for the appellants although made sincere attempt, however, could not draw attention of this Court to any perversity or error in the judgments passed by the Courts below.

Hence, there is no ground to interfere.

Regular second appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the above said judgment.

15.10.2018
sheetal

(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No