

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

RSA No.1636 of 2019 (O&M)

Date of decision : 29.03.2019

Smt. Phool Kaur and another

...Appellants

Versus

Surat Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.P. Chahar, Advocate for the appellants.

ANIL KSHETARPAL, J. (ORAL)

Defendants-appellants are in the Regular Second Appeal against the judgment passed by the learned First Appellate Court.

Dispute is whether there is a street at the disputed site or not.

Learned First Appellate Court after re-appreciating the evidence has found that Ex.D5, the sale deed through which the defendants-appellants purchased the property records that there is 8 feet wide street. Even the sale deeds in favour of various neighbours have been produced as Ex.D1 to Ex.D3 and Ex.D7 which also proves that it is a playground. The Municipal Committee also claims that there is a street in existence and they have paved it. The street according to the Municipal Committee is situated on the south of the stadium.

Learned counsel appearing on behalf of the appellants submitted that there is no evidence to prove that the street is in existence.

However, when he was confronted with Ex.D5, the sale deed executed in favour of his client, he admitted that the street with 8 feet width has been shown. Defendant who claimed title on the basis of the sale deed Ex.D5 cannot resile therefrom.

In view thereof, there is no ground to interfere with the judgment passed by the learned First Appellate Court .

Regular Second Appeal is dismissed.

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

29.03.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No