

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

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**RSA No.2566 of 2018 (O&M)
Date of decision: 25.02.2019**

Sukhwant Singh

..... Appellant

Versus

Shawinder Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Manish Kumar Singla, Advocate and
Mr. Dinesh Kumar, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-appellant is in the regular second appeal against the concurrent finding of fact arrived at by the Courts below dismissing the suit filed by him for permanent injunction restraining the defendant, his agents and servants from interfering into the peaceful usage and enjoyment of the passage.

Both the Courts have concurrently found that the property of the plaintiff adjoins the road which leads from Government Senior Secondary School. It has further been found that the property of the plaintiff is 2½ feet deeper than the property in dispute and there is no evidence that how the plaintiff uses the property as passage. Still further, the plaintiff has failed to give length and breadth of the property which is under passage. During the course of arguments, learned counsel for the plaintiff-appellant fairly admitted that the property which is claimed to be a passage by the plaintiff is recorded under the ownership of the defendant.

In view thereof, there is no ground to interfere.

Appeal is dismissed.

25.02.2019
Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No