

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.2786-2011 (O&M)
Date of Order:12.02.2020

Satbir

..Appellant

Versus

Smt. Shanti Devi and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. N.D.Achint, Advocate, for the appellant.

Mr. Abhinav Sood, Advocate, for
Mr. Vikram Singh, Advocate,
for respondent no.1.

Mr. Harkesh Manuja, Advocate,
for respondent no.2.

ANIL KSHETARPAL, J(Oral)

Defendant no.3-appellant is in the regular second appeal against the judgment passed by the learned first appellate court while reversing the judgment and decree passed by the learned trial court.

Dispute is with regard to a passage which exists in between the houses of the plaintiff and the defendants.

Learned first appellate court after noticing that the plaintiff as well as the defendants purchased the property through registered sale deeds in which it has been recorded that there is a passage in between the houses, set aside the judgment of the learned trial court.

Learned counsel for the appellant submitted that no doubt the sale deed through which defendants purchased the property, a street having width of 5 feet is depicted, however, defendants have added a strip of land measuring 6 feet land of their own so as to increase its width. He, hence,

submits that the first appellate court has erred in recording a finding that there exist a street.

This court has considered the submissions.

As far as existence of a street having width of 5 feet is not in dispute. Plaintiff had filed the present suit claiming the width of the street to be 5 feet only which has been decreed.

In view thereof, there is no ground to interfere.

Dismissed.

February 12, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No