

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 1549 of 2022 (O&M)

Date of Decision: 28.04.2022

Mukesh Ranga and Another

... Petitioner(s)

Versus

Shiv Lal and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mrs. Pratibha Yadav, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. While assailing the correctness of the order, passed by the First Appellate Court, the defendant No.1 and 2 have filed the present revision petition.

2. The First Appellate Court, after having appointed a Local Commissioner and examining his report, has granted temporary injunction in favour of the plaintiffs. The dispute is with regard to a passage. The plaintiffs, who are residents of the area, claim that the defendants No.1 and 2 (the petitioners herein) are trying to encroach thereof. Whereas the petitioners claim that it is a part of their own property.

3. The Local Commissioner, after visiting the site, has reported that a public passage, which travels from North to South, has been blocked by the defendant No.1 and 2. The Local Commissioner has also reported that the defendant No.1 and 2 are re-constructing their building and their stand

that they are only renovating, is factually incorrect.

4. Heard the learned counsel representing the petitioners, at length and with her able assistance, perused the paper-book.

5. The petitioners have produced a layout plan of the area as Annexure P21. On a careful perusal thereof, it is evident that there is a passage, which starts from near the house of Ram Avtar and goes towards the southern side. Such passage is shown to have been blocked by the house of the defendant No.1 and 2. After the house of the defendant No.1 and 2, once again there is a passage which is coming from North to South. There is a presumption of continuity of passage because it is only the house of defendant No.1 and 2 which is falling on the way. At this stage, the Court is required to examine a *prima facie* case.

6. In view of the above, no ground is made out to interfere. Hence, the present revision petition is dismissed.

7. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

April 28, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No