

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

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**RSA No.3072 of 2013(O&M)
Date of Order: 10.05.2022**

Madan Lal

..Appellant

Versus

Smt. Sammo and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Jasuja, Advocate,
for the appellant.

Mr. Ashish Gupta, Advocate,
for the respondents.

ANIL KSHETARPAL, J(Oral)

While assailing the correctness of the findings of fact arrived at by the First Appellate Court, the plaintiff (appellant) has filed the present appeal.

The dispute is with regard to the width of the passage. The plaintiff has purchased a plot measuring 1 kanal from Sehzaad. It has come in evidence that the entire property belongs to 5 brothers and on partition and a plotting, 10 feet wide passage was left in between. The plaintiff claims that he is an exclusive owner of a 5 feet wide passage.

The plaintiff has not led any evidence to prove that the area on which the plaintiff has constructed his house is less than 1 kanal. The plaintiff had purchased the total area of 1 kanal only. As per the layout plan produced, the plaintiff claims that there are two parallel passages, one going to his house, whereas other going to the house of Sehzaad. The First Appellate Court has found that there is no partition between the passage and the total passage is 10 feet wide which goes upto the house of Sehzaad as well as Madan Lal (plaintiff). Two other brothers have constructed their

houses abutting the aforesaid passage. Widow of Sehzaad has appeared as DW1 and has stated that the width of the passage is 10 feet.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

May 10, 2022

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No