



S.A.No.803 of 2022

N.SESHASAYEE, J.

This appeal is posted today under the caption “for being mentioned”.

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2.Vide the judgment dated 09.05.2023, the Court has only made arrangement for providing a pathway to the respondent to access his property and relegated the final decision on the same to the Court which is required to pass a final decree. Today a plan is made available by the appellant indicating the line of pathway along the property that he had purchased. The respondent counsel on instructions agrees to the facility as indicated in the plan. This implies that till a final decree is passed, the respondent shall have right of access to the portion in his enjoyment along the pathway shown in saffron colour above the eastern boundary of the property.

3.It is made clear that the respondent for the present will have only right of access through the said pathway but he will not claim any right over the soil till the final decree is passed and also will not have the right to obstruct the appellant from enjoying his property otherwise. This plan is directed to be made part of the decree.

30.06.2023

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