

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 7633 of 2019 (O&M)****Date of Decision: 10.08.2023**

Vikas Goel

... Petitioner(s)

Versus

Ashok Verma alias Babla

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Chanchal K. Singla and Ms. Tarranum Madan, Advocates
for the petitioner(s).

Mr. Ashwani Bakshi, Advocate
for the respondent.

Anil Kshetarpal, J.

1. The plaintiff No.1 assails the correctness of the concurrent findings of facts passed by both the Courts below while dismissing his application filed for the grant of temporary injunction in order to protect the easementary right of passage to the first floor of his premises.

2. Heard the learned counsel representing the parties at length and with their able assistance, perused the paper-book.

3. On a perusal of the layout plan produced by the plaintiff No.1, it is evident that he has purchased the property having its front facing the main road. Secondly, the sale deed executed in his favour is only with respect to two small closets and a vacant land only on the ground floor. In the sale deed, there is no reference to any building or the first floor of the premises purchased by the plaintiff. Moreover, the plaintiff No.1 filed a suit

along with the plaintiff No.2 who admittedly has an opening/passage in the

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street towards the Eastern side, whereas the plaintiff No.1 has an opening/passage towards the Northern side on the main road. Hence, both the Courts below have correctly held that vide interim order, the plaintiff No.1 cannot be permitted to pass through the property of the defendant in order to go to the first floor of his premises

4. Keeping in view the aforesaid facts, no ground is made out to interfere in the revisional jurisdiction. Hence, the present revision petition is dismissed.

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

(Anil Kshetarpal)
Judge

August 10, 2023**“DK”**

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No