

2023:PHHC:125774

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

RSA-2219-2018 (O&M)
Date of decision: 25.09.2023

Davinder Singh

....Appellant

Versus

Piara Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Dhiraj Chawla, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

The correctness of the concurrent findings of fact arrived at by the courts below is challenged by the defendant no.1 in this Regular Second Appeal. The plaintiff's suit for grant of decree of permanent injunction and also for mandatory injunction directing the respondents from removing the blockage on the passage, after demolishing the wall, has been decreed. Both the courts, on appreciation of evidence, have found that though the parties are co-sharers, however, the defendant, while stepping into the witness box, conceded the existence of 16 feet wide passage on the eastern side of his house. It has come on record that both the parties have constructed their respective residential houses and for ingress and egress a 16 feet wide passage was left by them. Once while appearing as DW2, the appellant admits that there exists a passage, measuring 16 feet on the eastern side of his house, which further connects to the main road, there is no ground to interfere.

Hence, dismissed.

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

25.09.2023
rekha
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE