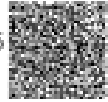


**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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2025-PHHC-029195



RSA-647-2025 (O&M)
Date of decision: 01.03.2025

RAM CHANDER DECEASED THROUGH LRS AND ORS

..Appellants

Versus

FATEH SINGH AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Yogesh Jangra, Advocate
for the appellants.

ANIL KSHETARPAL, J(Oral)

1. The defendants assail the correctness of concurrent findings of fact arrived at by the Courts below while decreeing plaintiffs suit for grant of decree of permanent injunction restraining the defendants from interfering in his right to use the passage and restraining the defendants from obstructing the passage. The parties to the suit are successor in interest of a common ancestor namely Sh. Khubi Ram. There is a public passage in existence. From public passage, there is a temporary passage, which is used by the plaintiffs for the last 10 years to reach their land. The defendants denied the existence of the public passage as well as passage carved out with the mutual consent. In order to verify the facts, local commissioner was appointed by the Court, who submitted the report. As per the report, the passage exists but defendants have blocked the passage by placing bushes. DW-1 Sh. Rameshwar Dass (defendant No.3) admitted that plaintiff has no passage to approach his land comprised in Rectangle No.26, Khasra No.3/7/11. Thus, both the Courts came to a conclusion that the plaintiff is entitled to

- 2. Learned counsel for the appellants submits that the passage is not from his land.
- 3. If that is so, then, he should have no grievance.
- 4. Dismissed.
- 5. All the pending miscellaneous applications, if any, are also disposed of.

March 01st, 2025
Ayub

(ANIL KSHETARPAL)
JUDGE

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