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

**RSA-1138-2016 (O&M)
Date of Decision: 29.08.2025**

SANT RAM

.... Appellant

VERSUS

RAM CHAND & ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Anamika Sheoran, Advocate for
Mr. Vikas Singh, Advocate for the appellant.

Mr. Rishav Jain, Advocate with
Mr. Kanish Jindal, Advocate for the respondents.

ALKA SARIN, J. (ORAL)

1. The present regular second appeal pertains to the year 2016. On 07.11.2017 while issuing notice of motion as well as notice in the application for condonation of delay, it was pointed out by the learned counsel for the respondents that the execution stood fully satisfied.

2. The dispute in the present case relates to a passage. The decree passed in the present case reads as under :

'This suit is coming on the 22nd January 2013 before me for final disposal in the presence of Sh. Munish Goel Adv. Counsel for the plaintiff, Sh. B.S. Adv, counsel for the defendant, it is ordered that the suit of the plaintiffs is hereby decreed with costs and plaintiffs are held entitled

to passage through the land comprised in Killa No.1, 10 and 11 of Rect. No.90 for the use of their own land comprising in Killa No.86//11, 20, 21, 22, 23/1, 87///15, 16, 25, 89//5/1. The is directed to set out reasonable convenient passage of about 2 Karams to plaintiffs from Western side of land comprised in Killa No.1, 10 and 11 of Rect. No.90 within 3 months from the date of this judgment failing which it shall be open for the plaintiffs to set out passage of about 2 Karms from the said land of defendants. However, it is also clarified that such passage shall be used by the plaintiffs as passage only and not for sowing crops or any other purpose. However since the plaintiffs themselves have suffered a statement to the effect that in lieu of passage towards Western side of khasra No.90//1, 10, 11, they are ready and willing to compensate defendant by giving him equal land, to strike a balance, it is ordered that the plaintiffs shall transfer equivalent land from the Southern side of Killa No.86//21 and 22 adjoining the land of defendant to him as soon as they 'get right of way through passage for the access to their own land'.

3. On 08.08.2025 no one had put in appearance on behalf of the appellant and the following order was passed :

‘Learned counsel for the respondents has pointed out that the execution petition has since been disposed off as satisfied.

No one has put in appearance on behalf of the appellant.

In the interest of justice, adjourned to 29.08.2025.

To be shown in the urgent list.

Registry to inform the counsel for the appellant of the date fixed’.

Today learned counsel appearing on behalf of the appellant states that she has no instructions in the matter.

4. In view thereof, this Court is left with no other option but to dismiss the present regular second appeal for non-prosecution.

5. Dismissed for non-prosecution. Pending applications, if any, also stand disposed off.

29.08.2025

Aman Jain

**(ALKA SARIN)
JUDGE**

*NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No*