



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

RSA-4758-2019 (O&M)

Reserved on :-04.09.2025

Pronounced on :-16.09.2025

Ram Kishan (Deceased) Through his LR's and Others

... Appellants

Versus

Radhey Shyam and Others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Argued by :-

Mr. R.N. Lohan, Advocate
for the appellants.

Mr. Munish Kumar Garg, Advocate
for the respondents.

VIRINDER AGGARWAL, J.

1. The appellants-defendants have filed the present Regular Second Appeal ('RSA' for short), challenging the concurrent findings of both the Courts below, whereby the suit of the respondents-plaintiffs for permanent injunction was decreed. The plaintiffs sought to restrain the appellants-defendants from making any encroachment in the street shown as Mark 'ABCD' in red colour in the site plan, which measures 11' in width and had been left by the parties during partition of land comprised in Khasra No.196(3-0), 264(0-9), 320(0-15), total measuring 4 Kanals 4 Marlas.

1.1 Originally, the land was owned jointly by Mangli, Shri Chand, Guljari and Birkha, predecessors-in-interest of the parties, each holding 1/4th share. The land was orally partitioned in the year 1990, and subsequently a