



RSA No. 1016 of 1995 (O&M) **1**

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

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**RSA No. 1016 of 1995 (O&M)
DATE OF DECISION :- 13.01.2026**

Mohinder Pal Singh (since deceased) through LRs ...Appellant

Versus

S.D.O. Irrigation Mukerian Shah Nahar and others ...Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. G.S. Jaswal, Advocate for the appellant.

Mr. I.S. Kingra, Sr. DAG, Punjab.

VIRINDER AGGARWAL, J. (Oral)

1. The present Regular Second Appeal has been filed by the appellant/plaintiff challenging the judgment and decree passed by the First Appellate Court in Civil Appeal No.163 dated 04.12.1992, whereby the judgment of the learned Additional Senior Sub Judge, Dasuya was reversed and the appeal filed by the State was allowed.

2. The appellant/plaintiff had filed a suit for permanent injunction seeking to restrain the defendants from blocking the passage marked 'X' to 'X1' shown in red in the site plan attached with the plaint. It was pleaded that the said passage had been used by the public for the last 40 years and that the plaintiff owned land towards the eastern as well as northern side of the passage, with no alternative access available. The defendants contested the suit. The learned Additional Senior Sub Judge, Dasuya decreed the suit and restrained the defendants from blocking the passage 'X' to 'X1' as



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depicted in the site plan Ex. P-1. However, in appeal, the District Judge, Hoshiarpur reversed the judgment and decree of the trial Court and dismissed the suit.

3. Aggrieved by the judgment and decree of the First Appellate Court, the present second appeal has been filed.

4. During the pendency of the appeal, an affidavit was filed by Sh.Dinesh Kumar, Executive Engineer, Talwara Canal Division, WRD Punjab, Talwara, stating that the appellant/plaintiff is presently using a gate situated adjacent to the office of the DSP, as shown in site plan R-2. Learned counsel for the appellant/plaintiff submitted that the appellant's grievance would stand redressed if the respondents/defendants permit him to continue using the said passage. Learned State counsel expressed no objection, as the appellant is already using this passage and in view of the affidavit of the Executive Engineer.

5. In view of the above, the present appeal is disposed of with the clarification that the appellant/plaintiff shall continue to use the passage adjacent to the office of the DSP as shown in site plan R-2, which shall form part of this final judgment. Decree sheet be prepared accordingly.

6. Since the main appeal stands decided, all pending miscellaneous applications, if any, are disposed of.

(VIRINDER AGGARWAL)
JUDGE

13.01.2026

P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No