

S.B. Civil Second Appeal No.75/2005
Sugan Nath
vs
Heeranath & Ors.

DATE OF ORDER : - 30.8.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr.BN Kalla, for the appellant.

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Heard learned counsel for the appellant and perused the reason given by the two courts below in the impugned judgments.

The trial court decreed the suit of the plaintiffs holding that the part of the land of Khasra no.97 came in the share of the plaintiffs and they were using the way shown in map in read ink since more than 30 years and defendants have closed the way. After recording all findings in favour of the plaintiffs, the trial court decreed the suit for permanent injunction against the defendant restraining them from putting any obstruction in the way. The judgment and decree of the trial court dated 13th Oct., 1995 was upheld by the first appellate court in view of the concurrent fact of finding that the way in question is only the way available to the plaintiffs and they were using the way since last more than 30 years from the time of filing of the suit.

I do not find any illegality in the judgments of the two courts

below. No substantial questions of law are involved in this appeal.

Hence, the appeal of the appellant is dismissed.

(Prakash Tatia), J.

c.p.goyal/-