

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

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2025:PHHC:046894



**RSA-4454-2010 (O&M)  
Date of decision: 05.04.2025**

**SARDAR SINGH**

**..Appellant**

**Versus**

**RANBIR SINGH AND ANR.**

**..Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Ashish Naik, Advocate for the appellant.

Mr. Munish Gupta, Advocate for respondent No.1.

Mr. Shashi Kumar Yadav, Advocate for respondent No.2.

**ANIL KSHETARPAL, J(Oral)**

1. The plaintiff assails the correctness of First Appellate Court's judgment, which in turn has reversed the trial Court's judgment. The dispute is with respect to the width of a street. The plaintiff claims that defendant No.1 Sh. Ranbir Singh has encroached upon 1 feet X 29 feet portion of the street.

2. In order to prove that fact, the plaintiff examined municipal official DW-1 Sh. Ram Avtar, Clerk. He produced report Ex.DW1/B to the effect that the plaintiff has encroached upon 29 feet X 1 feet width of the public thorough fare. The local commissioner was also appointed, who after visiting the spot and carrying out demarcation, submitted a report Ex.PW2/A along with a copy of layout plan (Ex.PW2/D). It was reported that the width of the street in the front of house of Sh. Tirath son of Sh. Ram Avtar is 12 feet 2 inches and moment the house of defendant No.1 comes, the width of street reduces to 11 feet 2 inches. A bare look at the alignment of the boundary wall of Sh. Tirath and boundary wall of defendant No.1, it is evident that this boundary wall is jutting out by 1 feet towards street. Thus, the trial Court decreed the suit.



3. The First Appellate Court reversed the decree only on the ground that portion 'A' to 'D' in the layout plan Ex.PW2/D is an old construction, whereas, 'D' to 'G' has been constructed newly. The Court drew inference that the wall 'A' to 'D' and 'D' to 'G' are in the same alignment. It is evident that the First Appellate Court has overlooked the fact that towards North of point 'A', the boundary wall of Sh. Tirath's house is 1 feet towards West, whereas, the moment the house of defendant No.1 comes, the boundary wall juts out 1 feet towards street on the Eastern side. The First Appellate Court has also overlooked that there is a report of the Municipal Committee to the effect that there is an encroachment. Moreover, the First Appellate Court has also erred in observing that in the old cities, the width of the street can vary and unequal. It may noted here that defendant No.1 did not produce any evidence to prove that the width of the street in front of his house reduced from 12.2 feet to 11.2 feet from any official record or there was difference in the width of this street at the various places.

3. Keeping in view the aforesaid discussion, the appeal filed by the plaintiff is allowed.

4. The judgment passed by the First Appellate Court is set aside and that of the trial Court is restored.

5. All the pending miscellaneous applications, if any, are also disposed of.

**April 05<sup>th</sup>, 2025**

*Ayub*

**(ANIL KSHETARPAL)  
JUDGE**

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

*Whether reportable* : *Yes/No*