

SUPREME COURT OF INDIA

Madai Lakshmi alias M. Rajalakshmi

Vs.

P.M. Partha Kumar

(B. N. Kirpal and S. S. M. Quadri JJ.)

03.05.2000

ORDER

The Text below is only a summarized version of the order pronounced

The High Court fell in error in reversing the concurrent decision of the trial court and the lower appellate court. The High Court had upheld the finding that easement of necessity no longer existed on the basis of the findings recorded by the trial court and the lower appellate court. The High Court could not have come to the conclusion that that the respondent had perfected his right of quasi - easement under section 13(1) of the Easement Act and the respondent having failed to establish his continued and uninterrupted user of the pathway for a period of 20 years. The appeals are allowed by the Supreme Court and set aside the decision of the High Court and restored the decision of the lower court.