

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.1238 of 2011 (O&M)
Date of Decision.28.09.2015

Satnam Singh

.....Appellant

Versus

Punjab State Electricity Board and others

.....Respondents

Present: Mr. Brijeshwar Singh Bhalla, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. There is no scope for interference in the second appeal in a situation where the plaintiff was making a claim to an electricity connection that stood in the name of the father-4th defendant. His contention was that in a family settlement it was allotted to him and his brother-5th defendant. The defendant's contention was that in the family settlement it was only to be retained by the defendant. The plaintiff would make a reference to Annexure A-1 filed at the Appellate Court said to have been executed on 03.03.2004 to state that the agreement was written between the parties and signed respectively by them. The counsel would read out to me recitals that showed that the electricity connection would be taken jointly by the plaintiff and the brother.

2. I asked the counsel whether there was any reference about this family settlement in the plaint. The counsel reads to me the plaint

and I find that there is no reference about this document. The findings of the Court below have proceeded on the basis that the plaintiff was attempting to make a case of family settlement beyond his pleadings. I find that there is no reference to the alleged family settlement Annexure A-1 in the suit. I asked the counsel to read out to me in court the evidence of the plaintiff himself as to what he stated about this document prepared on 03.03.2004. Neither in the chief examination nor in the cross-examination is there any reference about this document. I even suspect whether this document was filed before the Court below. The counsel says that there is no family settlement except this and the Court has not relied on the same. I cannot allow for a contention to be brought which is not supported in the plaint nor in the evidence given by the plaintiff before the Courts below.

3. I find no error in the judgments passed by the Courts below. The second appeal is dismissed as involving no substantial question of law for consideration.

(K. KANNAN)
JUDGE

September 28, 2015
Pankaj*