

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

RSA No. 3765 of 2012 (O&M)

Date of decision : 19.3.2015

Uggar Singh

..... Appellant

VS

Ujjagar Singh and others

..... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Vijay Sharma, Advocate, for the appellant.

Rajesh Bindal J.

Defendant no. 1 is before this Court against concurrent findings of fact recorded by both the Courts below whereby the suit filed by the plaintiffs/ respondents nos. 1 and 2, was decreed.

The parties to the dispute are real brothers. It pertains to allocation and use of electric motor connection of 7.5 HP bearing Account No. AG219 old (New AG 701).

The suit was filed by respondent nos. 1 and 2 seeking restrain against the appellant/ defendant no. 1 from getting the electric connection shifted to other khasra no. 536 (3-17) and also transferring the same to any other person. The appellant claimed 1/3rd share of water from the tubewell, whereas respondent nos. 1 and 2/plaintiffs claimed 2/3rd share in consonance with their corresponding shareholding in the land. After the filing of the suit, the tubewell was shifted to other khasra number. The trial court decreed the suit of the plaintiffs and directed restoration of the connection at its original place while allowing the parties to share water 2/3rd and 1/3rd respectively.

In appeal filed by the defendant no.1, the learned lower Appellate Court while modifying the judgment and decree of the trial court keeping in view the plea raised by the appellant that water had gone down at

the place where the tubewell connection was earlier existing, directed that the tubewell connection be restored to its original place only if the feasibility to operate the same was there, otherwise it will remain at the new place, however, the parties shall share the water for the purpose of irrigation in the manner directed by the trial court.

The basic facts being not in dispute and the Courts having granted reasonable relief to the parties namely sharing of water from the tubewell to the extent of their shareholding in the land and further even allowing retention of the same at the new place in case it failed at the earlier place, in my opinion, no substantial question of law arises in the present appeal as the findings recorded cannot be said to be perverse.

Dismissed.

19.3.2015
vs.

(Rajesh Bindal)
Judge