

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

RSA No.492 of 2012 (O&M)

Date of Decision: September 01, 2015

Sarwan Singh @ Sawaran Singh

.... Appellant

vs.

Ram Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Ranjit Sharma, Advocate for the petitioner.

Mr. Mandeep Singh, Advocate for
Mr. Narinder S. Lucky, Advocate for respondent No.1.

Mr. Ashok Kumar Sharma, Advocate
for respondent Nos.2 and 3.

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

Impugned in the present regular second appeal is the judgment and decree dated 17.11.2011 passed by learned Addl. District Judge, Tarn Taran, affirming that of learned Civil Judge (Jr. Divn.), Tarn Taran dated 07.05.2008, vide which the suit of the plaintiff for declaration, was dismissed.

Briefly stated that the plaintiff had claimed before the lower court that defendant No.1 had applied for a tubewell connection before the Punjab State Electricity Board authorities

(defendant Nos.2 and 3) for release of tubewell connection of 3 BHP.

A demand notice was accordingly issued to defendant No.1. As defendant No.1 had no need for the said connection, therefore, he agreed that he will sell and transfer the same to the plaintiff and get the same installed in the khasra No.12 of Khata/Khatoni No.58/356 belonging to the plaintiff. The same was accordingly got installed in the year 1997. Defendant No.1 had agreed to have no objection and transfer the connection in the name of the plaintiff. Defendant No.1 also gave two separate affidavits on 10.06.1997 attested by Executive Magistrate, Khadoor Sahib. The plaintiff had been depositing the amount of electricity bills and he had also bear all the expenses of installation of tubewell at that place. Defendant No.1 became dishonest and got issued the duplicate pass book. Now he has refused to transfer the said connection.

Earlier to that, defendant Nos.2 and 3 had taken the stand that the transfer cannot be done before five years.

In the written statement, defendant No.1 denied that the said connection was consented to be transferred in the name of the plaintiff.

The lower court after recording the findings of the facts, came to the conclusion that the plaintiff failed to prove that the said connection was transferred and it was installed in his land. Accordingly, the suit was dismissed vide judgment and decree dated 07.05.2008. The said judgment and decree was upheld in appeal.

A perusal of the findings of both the courts below shows that the findings of the facts have been recorded. No question of law much less substantial question of law is involved in the present appeal.

As such, the present regular second appeal stands dismissed.

September 01, 2015
sarita

(KULDIP SINGH)
JUDGE