

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

RSA No.2796 of 2013 (O&M)

Date of decision : 16.01.2015

Gurmej Singh

...Appellant

Versus

Punjab State Electricity Board and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. M.K. Dogra, Advocate
for the appellant.

AMIT RAWAL, J. (Oral)

CM No.7430-C of 2013

For the reasons stated in the application which is duly supported by an affidavit, delay of 1447 days in re-filing the appeal is condoned.

The application stands disposed of.

Main Case

This concurrent findings of the fact has been assailed by the appellant-plaintiff, whereby the suit of the appellant-plaintiff for declaration that he had become owner in possession of electric tubewell connection bearing account No.B-2-1836 running in Khasra No.31/14/2(4-9), comprised in khata/khatauni No.22/56 in the land of

plaintiff, situated at Village Kale, Tehsil Patti, District Amritsar and consequential relief of permanent injunction has been dismissed by both the Courts below.

The plaintiff's claim for the declaration was on the ground that Santokh Singh was original owner of the electric connection and after the death, Surjit Kaur, defendant No.4 became owner of the said connection. Budh Singh was adopted son of Santokh Singh and Surjit Kaur is wife of Budh Singh.

The plaintiff based the claim on the basis of the affidavit dated 12.03.2001 with regard to the transfer of electric connection executed by Surjit Kaur in his favour and since the Surjit Kaur refused to transfer the electric connection. The defendant Nos.1 to 3 in their written statement, challenged the locus standi of the plaintiff and stated that Santokh Singh and Surjit Kaur were not the exclusive owner of the said electric connection. In fact the electric connection was issued in the name of Santokh Singh and on his death Budh Singh and Surjit Kaur were in joint ownership of electric connection. Surjit Kaur also did not support the affidavit dated 12.03.2001.

The appellant-plaintiff in order to establish his claim produced on record the receipts Ex.P2 to Ex.P24 to show that the electricity charges were deposited by him whereas the receipts issued by the Electricity Department were in the name of Santokh Singh. The trial Court on the basis of the aforementioned evidence dismissed the

suit. The Lower Appellate Court dismissed the appeal of the plaintiff.

Both the Courts below have rendered the concurrent findings of the fact and law and there is no illegality and perversity in the impugned judgment. The appellant-plaintiff failed to prove on record much less the facts so that Surjit Kaur had entered into agreement to sell the electric connection. Admittedly Surjit Kaur was not the sole owner of the electric connection in view of the fact that that Santokh Singh was survived by Surjit Kaur and Budh Singh. Budh Singh had not executed any documents in favour of the plaintiff with regard to the act and conduct alleged to have been drawn by Surjit Kaur.

There is no substantial questions of law arises for the adjudication of this Court.

Accordingly, the present appeal is dismissed.

16.01.2015

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**(AMIT RAWAL)
JUDGE**