

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

Regular Second Appeal No.1015 of 2015 (O&M)

Date of decision: 23.3.2015

Samadh Maharaj Sardul Singh Sahib

... Appellant

Versus

Punjab State Power Corporation Limited and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Sandeep S. Majitha, Advocate,
for the appellant.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.

This is an appeal against the order of the learned Civil Judge (Junior Division), Barnala dated 7th November, 2013 and the order in appeal passed by the learned District Judge, Barnala on 13th February, 2015 whereby the suit for injunction filed by the appellant has been dismissed. The appellant claims to be a Samadh run by a Trust but it appears to be an unregistered entity. The dispute is with respect to an electric motor connection which is stated to be the only source of water for irrigating the corpus land. It is admitted that the land in question was in possession of Ranjit Singh, as a lessee. Ranjit Singh applied for an electricity motor connection and that is how it was sanctioned in his name by the the power utility Board. The Samadh claims a right to the electric motor connection

that was merely in the name of Ranjit Singh but for use of the samadh and therefore the electric motor connection is not the personal property of Ranjit Singh, its ownership vesting in the Trust. If the Trust is a legal entity, then no evidence was produced on the file to show that Ranjit Singh had acted on behalf of the Trust in applying for an electric motor connection. On the death of Ranjit Singh, his widow Raghubir Kaur applied for shifting of the connection to village Attar Singh Wala where she lives as a widow, on which request, the shifting was sanctioned on 8th August, 2011.

Once the electricity connection was in the name of one Ranjit Singh who died 5 years ago and it was not granted by the PSPCL to the Samadh, then the appellant-Samadh is not privy to the contract of supply of energy to Ranjit Singh. The only argument raised by the appellant Samadh is that it is yet to be determined whether the connection was in fact given to Ranjit Singh or to the Samadh, Ranjit Singh claiming to be Mahant of the Samadh. It is not necessary to enter into that question since civil rights between the Samadh and the Society, if any which runs it, are not involved in this case which is limited to the question of supply of electricity through a motor connection to run a tubewell on the disputed land. If Ranjit Singh's wife applied to the PSPCL for transfer of tubewell electric connection, she was well within her rights to do so through her late husband.

Learned counsel admits that Ranjit Singh was a lessee under the Samadh and the appellants became the less as a result of litigation stated to have been concluded in favour of the appellants.

It is always open to a person to apply for an electric tubewell connection by following the procedure for grant of an electric connection or

a motor tubewell connection and the request lies between the applicant and the service provider.

Both the Courts below have returned concurrent findings of fact holding that on the death of Ranjit Singh, his legal representatives are entitled to get the motor connection transferred in their name since rules permit, it could then not be disputed that the electric motor connection was in the name of any other person including the Trust. Permanent injunction thus has been rightly denied to the plaintiff-appellant by the courts *a quo*. There is, therefore, no merit in the contention of the learned counsel for the appellant that Raghubir Kaur w/o late Ranjit Singh should be compelled to apply for a fresh electric motor connection in her own name when it stood exclusively in the name of her late husband and was legally transferable.

For the foregoing reasons, no question of law arises in this case, muchless a substantial question of law and hence none of the 3 “law points” set out in paragraph 10 of the grounds of appeal arise for consideration of this Court in a case involving a settled principle of ownership and succession rights of late Ranjit Singh on his heirs and legal representatives, for which reason the appeal fails and is ordered to stand dismissed in limine as not warranting admission for any further consideration in the limited jurisdiction in second appeal under Section 100 of the Code of Civil Procedure, 1908.

(RAJIV NARAIN RAINA)
JUDGE

March 23, 2015
Paritosh Kumar