

RSA No.216 of 2015

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

RSA No.216 of 2015

Date of Decision: November 28, 2015

Bhura Singh

...Appellant

Versus

Gurcharan Singh & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. P.S. Sekhon, Advocate
for the appellant.

AUGUSTINE GEORGE MASI, J. (Oral):

Challenge in the appeal is to the judgment and decree dated 07.05.2013 passed by the Additional Civil Judge (Senior Division), Sangrur, by which, the suit for permanent injunction restraining defendant No.1 from selling and transferring the electricity motor connection No. KB-1374, has been dismissed, however, respondent-defendant No.1 was restrained from interfering in the peaceful use of the motor connection in dispute by the plaintiff, against which, appeal preferred by the respondent-defendant No.1 was allowed by the Additional District Judge, Sangrur, on 17.07.2014.

It is the contention of the learned counsel for the appellant that the findings as have been recorded by the Courts below with regard to the claim of the appellant-plaintiff that the said connection was not purchased by him from respondent-defendant

No.1 cannot be accepted as the appellant-plaintiff, in his evidence, has established the same. He further contends that the judgment and decree passed by the learned trial Court do not call for any interference as only restraint order was passed against respondent-defendant No.1 from interfering in the peaceful use of the motor connection. He, thus, contends that the judgments and decree passed by the Courts below deserve to be set aside.

I have considered the submissions made by the learned counsel for the appellant and with his assistance have gone through the impugned judgments.

On the basis of the pleadings and the evidence which has been led by the parties especially the written statement which has been filed by respondent-defendants No.2 and 3, the Punjab State Electricity Board, it has been proved and established that the electricity connection was applied for and obtained after paying the necessary charges by Gurcharan Singh-respondent-defendant No.1. There is no document which has been produced on record which would indicate that the said electricity connection was purchased by the appellant-plaintiff. The assertion of the plaintiff that he had been paying the bills for the electric connection as he was using the same, has also been found to be incorrect as the respondent-defendants No.2 and 3 have disclosed in their written statement that the electricity supply, for agricultural purpose, is free of cost and no electricity bill is paid by any consumer. This clearly establishes that

RSA No.216 of 2015

the connection is in the name of Gurcharan Singh-respondent-defendant No.1 who has obtained it through his own resources and there has been no contribution on the part of the appellant-plaintiff at any stage. The learned Lower Appellate Court has rightly come to the conclusion that no injunction can be granted against the rightful owner of the property and true owner of the property as in this case is the respondent of the electricity connection.

A perusal of the impugned judgments show that the concurrent findings returned by both the Courts below are based on proper appreciation of the evidence brought on record which do not call for any interference by this Court as there is no misreading or non-consideration of the material on record nor is there any perversity or illegality in the same.

No substantial question of law arises in the present appeal which requires consideration of this Court. Therefore, finding no merit in the present appeal, the same stands dismissed.

November 28, 2015

Harish

**(AUGUSTINE GEORGE MASIH)
JUDGE**