

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

RSA No.2945 of 2015 (O&M)

Date of Decision: September 29, 2015

Avtar Singh

.... Appellant

vs.

Jagjit Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Baljinder Singh, Advocate for the appellant.

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 12.02.2015 passed by learned Addl. District Judge, Fast Track Court, Ludhiana, vide which the judgment and decree dated 26.03.2014 passed by learned Addl. Civil Judge (Sr. Divn.), Jagraon, was reversed and consequently, the defendant-appellant was restrained from interfering in the use of 1 karam wide water course existing at points marked A to B shown as blue in the site plan appended with the plaint for irrigation of land of the plaintiff measuring 8 kanals, situated in the area of village Bhaini Baringan, Tehsil Raikot and District Ludhiana on the East side of pucca road. The defendant-appellant was further restrained from demolishing the said water course illegally and forcibly, except in due course of law.

I have heard learned counsel for the appellant and have also carefully gone through the case file.

Undoubtedly, the plaintiff had purchased a land from the previous vendor in which right of use of water course was given to him. Defendant-appellant had subsequently purchased the land from the same vendor, wherein no mention was made regarding the said right of use of water course given to the plaintiff. It would mean that the defendant-appellant had subsequently purchased the land from the same vendor and stepped into shoes of the previous vendor.

Since, the vendor had already given the rights to use the water course to the plaintiff, therefore, the said right is now binding upon the defendant-appellant. The findings of the facts have been recorded by the first appellate court and there is no illegality and infirmity in the same. No substantial question of law arises in the present appeal.

Hence, the present regular second appeal stands dismissed.

September 29, 2015
sarita

(KULDIP SINGH)
JUDGE