

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

RSA No. 4226 of 2015 (O&M)

Date of decision : 5.11.2015

Ranbir Singh

... Appellant

versus

Punjab State Electricity Board and another

... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Mansur Ali, Advocate, for the appellant.

Rajesh Bindal, J.

The plaintiff is before this Court against concurrent findings of fact recorded by both the Courts below whereby the suit filed by him was dismissed.

The only contention raised by learned counsel for the appellant is that the electric transformer, which is being used by Sardara Singh son of Rakha Singh for running the crusher, is installed in the land of the plaintiff. The transformer was installed by the defendants without the consent of the plaintiff for the benefit of Rakha Singh, predecessor-in-interest of Sardara Singh to release him electricity connection. The plaintiff is having his residential house in the suit land. The case of the appellant is that, due to heavy noise, it is very difficult for the plaintiff and the persons residing there to live.

It is not in dispute that the plaintiff is settled in England for the last many years and is a Non Resident Indian. The electricity connection to Rakha Singh was given on 11.11.1978 for Small Scale Industry and the same is running since then. The poles were installed in the land belonging to father of the appellant. ITI workshop has been given electricity connection from the poles installed in that land. The cause of action accrued to the plaintiff in the year 1978 when the electric connection from the disputed transformer was given to Rakha Singh father of Sardara Singh. The suit was

filed in the year 2008. The plaintiff has also not impleaded Sardara Singh as party, who has been given connection from the said transformer. The plaintiff has also been given connection from that transformer.

Considering the aforesaid factual matrix and that both the Courts below having recorded concurrent findings of fact on proper appreciation of evidence, which cannot be said to be perverse, no interference is called for in the present appeal. No substantial question of law arises.

Accordingly, the present appeal is dismissed. Consequently, the accompanying applications are also dismissed.

5.11.2015
vs

(Rajesh Bindal)
Judge