

RSA No.2173 of 2014

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

RSA No.2173 of 2014

Date of Decision: August 31, 2015

Manjit Singh & others

...Appellants

Versus

Harbans Singh & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Umesh Kumar Kanwar, Advocate
for the appellants.

AUGUSTINE GEORGE MASIH, J. (Oral):

Challenge in this appeal is to the judgment and decree dated 22.08.2012 passed by the Additional Civil Judge (Senior Division), Nabha, whereby, the suit for declaration to the effect that he is owner/consumer to the extent of 3/4th share in the motor connection bearing A/c No. TH-8-62 of 7.5 HP installed in the land comprising in Khewat No.93, Khatauni No.215, Khasra No.69//5/1 (o-6), situated at village Thuhi, Tehsil Nabha and for permanent injunction for restraining the defendants, stands dismissed, against which the appeal preferred has also been dismissed.

It is the contention of the counsel for the appellant-

plaintiffs that originally the land and the tube-well connection was in the name of Pritam Singh, father of defendants 1 to 4. Defendants 2 to 4 sold their share of the land and also in the electricity motor connection vide sale deed dated 11.05.2004. Prior thereto, there was a partition between the brothers and a mutation No.2552 in equal shares was entered into vide Rapat No.405 dated 18.04.2004, according to which, 22 Kanals and 18 Marlas fell to the share of defendants 2 to 4. On the basis of the sale-deed, the appellant-plaintiffs became the owners of this land which was the share of defendants 2 to 4, and asserted their right with regard to the tube-well connection to the extent of 3/4th share.

Counsel for the appellant-plaintiffs has admitted that the tube-well connection is in the land which is in possession of respondent-defendant No.1. He also admits that in Rapat No.405 dated 18.04.2004, which is based on an oral agreement of family partition, there is no mention of the motor connection. If that be so, the findings recorded by the Courts below cannot be faulted with as there is nothing on record which indicates that there was any partition between the brothers with regard to the tube-well connection or there was any agreement to that effect.

Both the Courts below have returned concurrent findings after proper appreciation of evidence which does not call for interference as there is no perversity or illegality in the same.

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

August 31, 2015
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE