

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Regular Second Appeal No. 6168 of 2014 (O&M)
Date of decision: 24.7.2015

Balbir Singh

.. Appellant

v.

Jeet Singh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Ram Sarup Dhanda, Advocate for
Mr. Hardial Singh Baath, Advocate for the appellant.

...

Rajesh Bindal J.

One of the defendants is before this court against concurrent findings of fact recorded by both the courts below, whereby the suit filed by respondent No. 1-plaintiff for permanent injunction restraining the defendants from obstructing the plaintiff from use of water for irrigation from joint tubewell bearing account No. M.H.1084 AP, was decreed.

It has come on record that tubewell connection has been installed on the land, which is jointly owned by the parties in the name of Santa Singh. In fact, the land was earlier owned jointly by the appellant along with his brothers, when the tubewell connection was installed. During cross-examination, the appellant admitted that his brothers, namely, Gurmail Singh and Paramjit Singh had sold their shares of land to respondent No. 1-plaintiff-Jeet Singh. In fact, the tubewell connection was got installed by late-Santa Singh, who was irrigating the entire land. It was after his death that the land was shared by his sons and they became co-sharers in the land as well as water from the tubewell. Once the co-sharers had sold a part of

the land, the buyer of that part will certainly get rights whichever the vendors had. There is no error in the judgments and decrees passed by the court below.

No substantial question of law arises in the present appeal. The same is, accordingly, dismissed.

(Rajesh Bindal)
Judge

24.7.2015
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