

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

RSA No.2069 of 2016 (O&M)

Date of decision : 28.04.2016

Mehma Singh

...Appellant

Versus

Gurjit Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Rakesh Gupta, Advocate for the appellant.

AMIT RAWAL, J. (Oral)

The appellant-plaintiff invoked the jurisdiction of the trial Court for seeking permanent injunction against the respondent No.1-Gurjeet Kaur and Electricity Board for shifting the electricity connection No.APS-999 of 17.1/2 B.H.P. from Killa No.471//21/6-2 situated at Village Longowal and also restraining the defendant no.1 from interfering into the use of aforementioned connection. The trial Court decreed the suit. However, Lower Appellate Court reversed the finding by holding that once connection had been issued in favour of Makhan Singh, the plaintiff cannot claim any right being co-sharers. The lower Appellate Court dismissed the suit on the ground that he did not seek declaration for getting the connection

in the name of the plaintiff but the fact remains that connection was in the name of Makhan Singh and on his demise transferred to Manjit Singh. It is settled law that once connection has been transferred to a particular person despite the fact tubewell connection is on land having joint khata, other co-sharer cannot have right on the same, in essence, they have to apply for the separate connection. This Court had already adjudicated aforementioned controversy in Regular Second Appeal No.2353 of 2013 titled as Surjit Singh Vs. Narinder Singh and others, decided on 11.01.2016. The Regulation of the Electricity Board prohibits illegal electric connection, much less, it cannot be by pass by taking the aid of Civil Court. Electricity Connection as per the bye-laws of the Electricity Board cannot be jointly shared. It has to be shared between the individual person.

In my view, simpliciter suit for injunction, restraining the defendant was not maintainable. The appellant-plaintiff could have filed the suit for partition and applied for different connection after getting the land partitioned but cannot claim the connection owned by the other co-sharers.

In view of the aforementioned facts, I do not intend to differ with the findings rendered by the lower Appellate Court, much less, no substantial question of law arises for determination.

Appeal stands dismissed.

28.04.2016

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**(AMIT RAWAL)
JUDGE**