

RSA No. 586 of 2016(O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 586 of 2016(O&M)
Date of decision : June 2, 2016

Baljit Singh and others

..... Appellants

Versus

Amar Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. J. S. Bhandohal, Advocate
for the appellants.

1. Whether reporters of local papers 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?

Amit Rawal, J (oral).

The appellants-plaintiffs are aggrieved of the concurrent finding of fact whereby claim of declaration and consequential relief of permanent injunction in respect of connection bearing Account No.AK-290 of 10 BHP has been declined.

Learned counsel appearing on behalf of the appellants

submits that as per the earlier arrangement the irrigation of the land belonging to appellants was done by the aforementioned connection and later on defendant No.1 Amar Singh, owner of the land sold the same to defendant No.2 and defendant No.2 did not share irrigation of the land, in this respect the suit was filed. All these aspects have not been appreciated by the courts below, thus there is illegality and perversity in the impugned orders and prays for setting aside the same.

I have heard learned counsel for the appellants, appraised the paper book and of the view that once the connection is in the name of respondent No.1, appellant do not have any right to claim ownership on the presumption of supply of water, much less irrigation. The ownership cannot be joint until and unless the connection holder admits the same. Once the original owner has already sold the land for a valuable consideration, concession given by him could not be owned by the subsequent owner. The appellant-plaintiff cannot seek injunction against the subsequent vendee, remedy lies elsewhere i.e. to apply for a fresh connection.

I do not intend to differ with the finding rendered by both the courts below which is based on appreciation of oral and documentary evidence. There is no illegality or perversity in the aforementioned

judgments and decrees of the courts below.

No substantial question of law arise for determination by this Court.

In view of what has been observed above, the appeal is devoid of merits, accordingly, the same is dismissed.

(AMIT RAWAL)
JUDGE

June 2 , 2016
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