

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA-400-2017 (O&M)
Date of Decision:- 28.09.2017

Bara Singh @ Darbara Singh

.....Appellant

Versus

Shamsher Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vikram Preet Arora, Advocate,
for the appellant.

RITU BAHRI, J. (Oral)

Plaintiff-appellant (herein after to be referred as 'the appellant') has come up in regular second appeal against the concurrent findings of facts recorded by both the Courts below whereby the suit of the appellant has been dismissed.

The learned trial Court while dismissing the suit of the appellant has held that the present suit has been filed by the plaintiff for mandatory injunction directing defendant No.1 to remove tube-well, bore and Kotha in which OYT category connection of 12.5 BHP was released by defendant Nos.6 to 9. Further, the trial Court has observed that there has been *kacha* partition between the parties. PW-2 in his cross-examination has admitted that the parties to the suit are cultivating their

separate parcel of land by way of *kacha* partition and further admitted that they have their separate ration cards. PW-1 in his cross-examination admitted that he used to cultivate the land which was fallen to his share after the partition. Both the Courts below had held that defendant No.1 furnished the indemnity bond in the absence of written consent of the other co-sharer of suit land as per rules and regulations of Punjab State Power Corporation Ltd. and the electric connection has been lawfully installed.

Accordingly, the concurrent finding of facts recorded by both the Courts below does not require any interference by this Court.

No substantial question of law arises for adjudication by this Court.

The appeal is dismissed.

September 28, 2017
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No