

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

RSA No.4989 of 2012 (O&M)

Date of decision : 16.07.2018

Bhajan Singh

...Appellant

Versus

Shamsher Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajay Pal Singh, Advocate for the appellant.

Mr. Tejinderpal Singh, Advocate for respondent No.1.

Mr. Vikas Mehsempuri, Advocate for respondent Nos.2 and 3.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff-appellant is in the Regular Second Appeal against the judgments passed by the Courts below.

In the considered opinion of this Court, the question which needs determination is whether in the event of sale of the entire immovable property alongwith the tubewell, the electric connection would stand transferred in favour of the vendee or not?

Both the Courts have concurrently found that the defendants sold the property to the plaintiff vide sale deed dated 26.04.2006 Ex.P1. It was specifically mentioned in the sale deed that the land measuring 28 bighas and 4 biswas which was owned by the defendants is being sold. It was further specifically mentioned that the tubewell installed in the land in question is also being sold. In other words, the land alongwith all rights appurtenant thereto, including the right of passage, tubewell etc. were sold. Still further, the defendants executed an affidavit acknowledging the sale of the electric connection. The defendants disputed the validity of the aforesaid affidavit on

the ground that it is forged.

Both the Courts after finding that the defence of the defendants do not have any legs to stand, decreed the suit only by granting a decree for permanent injunction restraining the defendants from interfering in the user of the tubewell connection. However, the Courts refused to grant declaration and relief of mandatory injunction by directing the Electricity Supply Company to transfer the connection in favour of the plaintiff.

This Court has heard the learned counsel for the parties at length and with their able assistance gone through the judgments passed by the Courts below.

Learned counsel for the appellant has read-over the registered sale deed executed on 27.04.2006 which was registered on 27.04.2006. It is specifically recorded in the aforesaid sale deed that the land alongwith tubewell and motor etc. is being sold. The electric connection is on the aforesaid tubewell. It is obvious that the electric connection would also stand transferred in favour of the plaintiff who are purchasers of the property through the registered sale deed.

In view of the aforesaid, the question framed earlier is answered in favour of the appellant. The judgments passed by the Courts below are modified and it is declared that the plaintiff is entitled to get the electric connection in question transferred in his favour.

Regular Second Appeal is disposed of.

16.07.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

**Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No**