

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

107

**RSA-2967-2016 (O&M)
Date of Decision : 26.9.2018**

Tarlok Singh

..... Appellant

Versus

Sukhwinder Singh

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Vaibhav Narang, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below decreeing a suit filed by the respondent wherein he had sought an injunction restraining the appellant from obstructing him from irrigating his fields through tubewell in question.

The admitted facts of the case are that entire land was owned by the father of the parties and he left the Will dividing the land between two sons. The tubewell which stood in his name was not mentioned in the Will and consequently, both the Courts held that it was a joint tubewell and once it was so the appellant had no right to prevent the respondent from irrigating his land from that joint tubewell.

The argument of the appellant was that respondent had another tubewell through which he can irrigate his field is neither here nor there.

In the totality of the circumstances, I am not persuaded to hold that the findings of the Courts below are either based on no evidence or on such perverse misreading of the evidence so as to justify the interference of this Court in second appeal.

The appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

26.9.2018
anuradha

(AJAY TEWARI)
JUDGE

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