

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

RSA No.3208 of 2016 (O&M)

Date of decision : 21.09.2018

Joginder Singh

...Appellant

Versus

Bharpur Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Hitinder Singh Lalli, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff-appellant is in the Regular Second Appeal against the dismissal of the suit for recovery of ₹2,50,000/- as damages.

There was dispute between the parties to the effect whether the tubewell installed is joint or not. It is the case of the plaintiff that despite the injunction order, defendants shifted the electric connection depriving the plaintiff of water for irrigating the fields. It is not in dispute that later on the parties have settled their dispute and at present both the parties are jointly drawing their water for irrigation from the aforesaid tubewell.

The plaintiff filed this suit claiming that he has been deprived of water for irrigation from the tubewell for the period w.e.f. 09.08.2004 to 01.04.2008.

Both the Courts below after appreciating the evidence have found that the receipts proving the purchase of the diesel in no way prove

the damages. There is no evidence that the aforesaid diesel was purchased only for the purpose of running a Diesel Pumping Set for drawing the underground water.

Learned counsel for the appellant has pointed out that the learned trial Court has wrongly read “Bains” which is a caste of the plaintiff, as 'RAINS'.

Be that as it may, in suit for damages, the plaintiff is required to prove the amount of damages by leading cogent evidence. Diesel purchased can be used for various other purposes apart from running a water pumping set. Still further, as noticed, the parties later on settled the dispute and both are jointly drawing the water.

Keeping in view the aforesaid facts, there is no ground to interfere.

Regular Second Appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

21.09.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No