

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

103

**RSA-2157-2015 (O&M)
Date of Decision : 11.09.2018**

Tek Chand

..... Appellant

Versus

Sadhu Ram and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. J.P. Dhull, Advocate
for the appellant.

Mr. Namit Gautam, Advocate
for respondent No.1.

Respondents No.2 & 3 proceeded exparte.

Mr. Som Nath, Advocate
for respondent No.4.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the courts below decreeing a suit filed by the respondent No.1.

The case of the respondent No.1 was that his electric tubewell connection bearing No.SG-173 AP was illegally disconnected and transferred in the name of the appellant by the respondent No.2. Both the courts having decreed the suit, the appellant is before this Court.

Counsel for the appellant has argued that the respondent No.1 had taken Rs.20,000/- from the appellant and further the appellant had undertaken to pay all the pending bills and in consideration of that the respondent No.1 had given an affidavit regarding transfer of electric tubewell connection in his name. It is noteworthy to mention here that the respondent No.2 (UHBVN) had accepted that there was no provision for transfer of electric tubewell connection simpliciter under the rules

(though it was submitted that a tubewell connection could be transferred if the land in which the tubewell was located was transferred).

Counsel for the respondent No.1 further points out that in this case admittedly no transfer of land had taken place and in the affidavit purportedly executed by the respondent No.1, it had been wrongly mentioned that the land where the tubewell was situated was transferred in the name of the appellant.

The further case of the respondent No.1 is that the whole fraudulent exercise was conducted by the appellant in connivance with some officials of the respondent No.2.

On the previous date, the original record was summoned so that the Court could see the affidavit. In the affidavit, it is mentioned that the land in which the tubewell was situated had been transferred in the name of the appellant.

Counsel for the appellant has fairly accepted that actually no land was transferred.

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

Appeal is dismissed. No costs.

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

(AJAY TEWARI)
JUDGE

September 11, 2018
ashish

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