

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

117

CM-13959-C-2018 in/and
RSA-3660-2016 (O&M)
Date of Decision : 13.9.2018

Kulwant Singh

....Appellant

vs.

Chand Singh and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.Surinder Gaur, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

CM-13959-C-2018 in/and

This is an application for recalling the order dated 27.8.2018.

For the reasons recorded in the application, the same is allowed
and the appeal is restored to its original number.

CM-9563-C-2016

For the reasons recorded, the application is allowed. Delay of 7
days in filing the appeal is condoned.

Main Case

This appeal has been filed against the concurrent judgments of
the Courts below decreeing a suit filed by the appellant.

The case of the appellant was that in the year 1996 a tube-well
connection was released in favour of the respondent No.1 and respondent
No.1 agreed to sell it to him and thereafter, it was appellant who had paid

the money. He further pleaded that the tube-well connection was released in his land and since then he was irrigating his land through the connection. However, inadvertently the connection was not transferred in the name of the appellant and after so many years now taking advantage of this fact the respondent No.1 is trying to shift the tube-well connection into his own land. Respondent No.1 on the other hand denied that he had ever sold the connection or that he had ever entered into agreement in writing or that the connection was released in favour of the appellant.

Both the Courts below noticed that witness of the writing stated that neither transaction had taken place in his presence nor the respondent No.1 had signed in his presence and that he had merely appended his signatures subsequently. The Courts below further noticed that even under the Rule the connection could not have been released in the land of the appellant. Both the Courts below further noticed that the appellant had admitted that tube well connection was running in the land of the respondent No.1. Learned counsel is not in a position to explain how the judgments of the Courts below are flawed.

The appeal stands dismissed.

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

**13.9.2018
anuradha**

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No