

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

RSA No.3834 of 2015 (O&M)

Date of Decision: September 05, 2018

Thura Singh and another

...Appellants

Versus

The Punjab State Electricity Board
(Now PSPCL) and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr.Gagandeep Singh, Advocate for
Mr.Amandeep Singh Manaise, Advocate
for the appellants.

HARINDER SINGH SIDHU, J.

This Regular Second Appeal has been filed by the plaintiffs – appellants against the judgments of the Courts below, whereby, their suit for declaration to the effect that they were owners in possession of tube-well Electric Connection No.A-1252, installed in land measuring 7 Kanals, 12 Marlas, comprised in Rect.No.10, Killa No.16, Khewat No.44, Khatauni No.66, situated in the revenue estate of village Gaznipur, Hadbast No.324, Tehsil and District Gurdaspur, has been dismissed.

The case of the plaintiffs was that the said tube-well connection was issued in the name of Dalip Singh, their late father. However, the same had been wrongly transferred in the name of Atma Singh by making wrong entries in the records. The said connection was being used by Dalip Singh for irrigating his fields and consumption bills were also being paid by him. After the death of Dalip Singh, the plaintiffs being his legal heirs have been using the same for irrigating the land. However, the tube-well connection has been wrongly transferred in the name of Atma Singh.

The case of the defendants (Punjab State Electricity Board) and its functionaries was that previously, the tube-well connection was in the name of Dalip Singh, bearing Connection A/c No.A-720, but during his life time, Dalip Singh had given a No Objection Certificate through an affidavit to the defendants for transfer of the tube-well connection in the name of Atma Singh. Accordingly, the connection was transferred in the name of Atma Singh, who has now got new tube-well connection bearing No.A-1252 in place of A-720 after completing the entire formalities.

The plaintiffs had relied on the Handwriting and Finger Print Expert Sukhjinder Singh, who while appearing as PW3 stated that the signatures on the NOC were not of Dalip Singh. The Ld. Trial Court, however, dismissed the suit primarily on the ground that Atma Singh, in whose name the tube-well connection existed as per the record, had not been impleaded as party and in his absence, no relief of declaration against him could be granted. Moreover, the tube-well connection was transferred during the life time of Dalip Singh, father of the plaintiffs – appellants. During his life time, Dalip Singh never raised any objection thereto. No Objection Certificate was stated to be signed in 1996 and the transfer of the tube-well connection was made in the year 2008. The findings of the Ld. Trial Court have been affirmed by the Ld. Appellate Court.

There is no infirmity in the findings recorded by the courts below.

No substantial question of law arises for decision in this case.

Dismissed.

September 05, 2018

(HARINDER SINGH SIDHU)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No