

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

**Regular Second Appeal No.4784 of 2015 (O&M)
Date of Decision: February 09, 2018.**

Lakha Singh and another

.....APPELLANT(s).

VERSUS

Gurbhej Singh and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. V.K. Sandhir, Advocate
for the appellant (s).

SURINDER GUPTA, J.

Heard.

Appellants-plaintiffs filed suit seeking relief of permanent injunction to restrain the defendants from interfering in peaceful use or shifting the election connection bearing No.S-2/424 installed in khasra No.24//4/2, 5/2 at village Gaggar Mall, Tehsil Ajnala, District Amritsar.

The case of the plaintiffs, in brief, is that the disputed connection is in the name of Jarnail Singh father of respondent-defendant No.1 and plaintiff No.2 had purchased it vide receipt dated 10.12.1996 for a sale consideration of ₹30,000/-.

Both the Courts below have recorded a finding that receipt alleged by the plaintiffs has not been duly proved on file. It is also evident from the record that this connection is still in the name of Jarnail Singh and plaintiff No.2 has never applied for transfer of this connection in his name after the alleged purchase in the year 1996.

Learned counsel for the appellants has drawn my attention towards report of local commissioner appointed by learned Civil Judge, who had stated that two connections were found operating at the spot, one for the land of plaintiffs and other for the land of defendant No.1. However, Junior Engineer of PSPCL apprised the local commissioner that connection No.S-2/424 is still running in the name of Jarnail Singh father of defendant Gurbhej Singh. Load of this connection was got extended by defendant No.1 from 5 hp to 15 hp on 18.12.2009 and the name of plaintiff No.2 is nowhere in the record of PSPCL.

The onus was on the plaintiffs to prove that the tubewell connection in dispute is on their land and that plaintiff No.2 had purchased the same from Jarnail Singh. In the absence of any evidence in this regard, both the Courts below refused to grant the relief of injunction as sought by the plaintiffs. Defendant No.1 on the other hand, had produced on record the bills of payment made to the Electricity Board/PSPCL as Ex.D4 to Ex.D21. The onus to prove was on the plaintiffs that connection in dispute is owned by them, which they have utterly failed to discharge.

On perusal of the record and judgments of the Courts below, I find no reason to interfere with the findings of fact as recorded by the Courts below.

No question of law what to talk of substantial question of law requiring determination arises in this appeal, which has no merits.

Dismissed.

(SURINDER GUPTA)
JUDGE

February 09, 2018
Sachin M.

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No