

RSA- 6394 of 2016(O&M)
Date of Decision: 23.10.2018

Surinder Pal Singh and another

---Appellants

versus

Jaswinder Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Ramesh Sharma, Advocate
for the appellants**

Rekha Mittal, J.

The present appeal directs challenge against the judgment and decree dated 12.4.2016 passed by the District Judge, Kapurthala whereby appeal preferred by the respondents-defendants against the judgment and decree dated 14.11.2012 passed by the trial court was accepted, judgment and decree impugned were set aside and as a consequence, suit filed by the plaintiffs-appellants for grant of injunction was ordered to be dismissed.

The appellants-plaintiffs filed suit for permanent injunction restraining defendant No. 1 from disconnecting and shifting electric connection along with motor, kotha bore bearing A/c No. A5-574 of 5 HP got installed by Hazara Singh in land mentioned in head note of the plaint in connivance of defendant No. 2 namely SDO, Punjab State Electricity Board, Sub-Urban, Sub-Division, Kapurthala.

Counsel for the appellants is not in a position to point out any materials on record whereby right in electric connection was created in

favour of the appellants on the basis of sale of portion of joint land in their favour. This apart, the court in appeal has noticed in para 11 of the judgment that from documentary evidence on record, it is proved that electric connection was already transferred in the name of Jaswinder Singh and shifted to his land prior to institution of the suit but the said fact has been concealed by plaintiffs from the Court. Counsel has not disputed these factual findings recorded by the appellate court. In this view of the matter, I do not find an error much less perversity in the judgment passed by the appellate court, warranting intervention.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

23.10.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No