

In the High Court of Punjab and Haryana at Chandigarh

**RSA- 1889 of 2017(O&M)
Date of Decision: 19.9.2018**

Mohinder Singh deceased through his LR

---Appellant

versus

Veer Singh @ Veeru and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Peeush Gagneja, Advocate
for the appellant**

Rekha Mittal, J.

The present appeal directs challenge against the judgment and decree dated 2.11.2015 passed by the Additional District Judge, Ferozepur whereby the appeal preferred by respondent-defendant No. 1 against the judgment and decree dated 3.9.2014 has been partly allowed and the judgment and decree of the trial court have been modified to the effect that the defendants-respondents shall not interfere in use of electric connection to the extent of 2/3rd share. The defendants shall not shift the electric connection except in due course of law. Defendant No. 1 is having a right in the electric connection to the extent of 1/3rd share.

Apart from the fact that the appeal is filed after delay of 195 days and the application for condonation of delay does not constitute sufficient ground for condoning delay, the appeal is meritless and deserves to be rejected.

Indisputably, the electric connection bearing No. C4-2805 installed in Rectangle No. 46, Killa No. 12/1 (4-4), situated in village

Gandhu Kilcha Uttar, Tehsil and District Ferozepur was previously in the name of Fauja Singh. Fauja Singh sold some land to Veer Singh his son alongwith 1/3rd share in the electric connection, vide sale deed dated 27.6.1997. Mukhtiar Singh son of Gurdeep Singh purchased land measuring 10 kanals including killa No. 12/1 (4-4) vide sale deed dated 22.5.2003 and said Mukhtiar Singh sold land measuring 13 kanal 18 marlas including land comprising khasra No. 12/1(4-4) to the plaintiff vide sale deed dated 4.9.2009 and the electric connection was also sold. As Sh. Fauja Singh had already sold 1/3rd share of electric connection in favour of his son Veer Singh vide sale deed executed in the year 1997 before the sale deed dated 22.5.2003 was executed by Fauja Singh in favour of vendor of the plaintiff-appellant, the Court in Appeal has rightly held that Veer Singh is entitled to use electric connection in question to the extent of 1/3rd share whereas the remaining 2/3rd share would be of the appellant-plaintiff on the basis of sale deed executed by Fauja Singh in favour of Mukhtiar Singh and thereafter by Mukhtiar Singh in favour of the plaintiff. Keeping in view the rights conferred on his vendees by Sh. Fauja Singh, no error much less perversity can be noticed in the judgment passed by the Court in Appeal modifying the judgment and decree passed by the trial court.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. No order as to costs.

(Rekha Mittal)
Judge

19.9.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No