

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

RSA-2501-2017 (O&M)

Date of Decision: 20.11.2018

Pargat Singh

... Appellant

Vs.

Baljit Singh and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AMIT RAWAL

Present : Mr. G.S. Sirphikhi, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

C.M. No.6134-C-2017

In view of the averments made in the application as well as affidavit, delay of 30 days in refiling the appeal stands condoned.

Application stands allowed accordingly.

RSA-2501-2017

The appellant-plaintiff has not been successful in seeking injunction restraining defendant No.1 for installing tubewell connection.

The sole argument raised during the hearing of the appeal had been that as per the instructions of the Punjab State Power Corporation Limited, a tubewell connection in case of joint khata/ownership cannot be installed in the absence of consent of other co-sharers.

It is a matter of record that during the pendency of partition proceedings, tubewell connection was installed. The said partition proceedings have not attained finality. Therefore, injunction was not granted. Once the connection has been installed, it cannot be disconnected.

Consequently, I do not find any illegality and perversity in the concurrent

finding of fact rendered by both the court below. No ground for interference is made out. Resultantly, second appeal is dismissed.

20.11.2018
rajeev

(AMIT RAWAL)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**