

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

**RSA No. 4940 of 2017
Date of Decision: 13.08.2018**

Hamir Singh

...Petitioner(s)

Versus

Surinder Singh and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.V.S. Chugh, Advocate
for the applicant-appellant.

ANIL KSHETARPAL, J.(oral)

This judgment shall dispose of two regular second appeals arising out of cross suits filed by the parties.

Dispute in both the cases is with respect to a water channel which is admittedly in existence. Appellants claim that such water channel is there exclusively and therefore respondent cannot restrain the appellant from demolishing it.

Both the Courts after examining the evidence have found that the parties are co-owners of the property and the water channel is going through northern boundary of Khasra No. 89//6 & 7 and southern boundary of Killa No. 89//4 which is being utilized by the respondent to irrigate his fields. During the pendency of the petition, Sadhu Singh, Kanungo carried out demarcation and proved report of the demarcation. He also proved that there is a water channel in existence.

Learned counsel for the appellant submitted that the respondents have already started drawing water from another point and their turn in the

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present water channel is only for a period of 5 minutes which is totally impracticable.

This court is not an expert in deciding that whether turn for supply of water for a duration of 5 minutes is impracticable or not? Once turn of the respondent for supply of water from main channel of water is admitted, the water channel in existence cannot be permitted to be demolished.

Hence, there is no ground to interfere.

Dismissed.

13.08.2018

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No