

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-356-2019

Date of decision: 01.07.2019

Satwant Singh

...Appellant

V/s.

Zora Singh

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Atul Jain, Advocate for the appellant.

RITU BAHRI, J. (Oral).

The present appeal has been filed against the judgment of the trial Court dated 30.03.2016 and that of lower appellate Court dated 18.04.2018 whereby suit of the plaintiff for permanent injunction restraining the defendant from obstructing the supply of water to the land of the plaintiff from the joint electricity motor and tubewell installed in the land situated at village Gidri, Tehsil Payal, District Ludhiana, has been dismissed.

The concurrent findings of fact have been recorded by both the Courts below that plaintiff and his brother Zora Singh are cultivating their land separately and their father Gurdev Singh applied for tubewell connection vide application No. 3425 dated 16.08.1982. The appellant-plaintiff did not lead any evidence to show that he has got water from tubewell connection which has been installed in the name of Zora Singh on 25.01.1993 and as per the passbook of the tubewell connection, amount was deposited for installation of connection vide receipt No. 170-795 dt. 12.06.1992. The appellant-plaintiff did not lead any evidence to show whether there was any water channel leading from the tubewell in question to the fields of the appellant and he was using this tubewell since 1982. In

the absence of any evidence that appellant had ever used tubewell connection, the suit has been rightly dismissed.

Dismissed.

01.07.2019

Divyanshi

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No