



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-443-2025 (O&M)

Date of Decision:-11.11.2025

Malkiat Singh

... Appellant

Versus

Amarjit Singh and Another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Argued by :-

Mr. Dharam Pal, Advocate with
Mr. H.K. Brinda, Advocate
for the appellant.

VIRINDER AGGARWAL, J.

1. The present Regular Second Appeal (hereinafter "RSA") has been preferred by the appellant/defendant impugning the concurrent judgments and decrees rendered by the Courts below, whereby the suits instituted by the respondents/plaintiffs were decreed. The appellant challenges the legal and factual conclusions recorded by the trial and first-appellate fora and seeks reversal of the concurrent findings insofar as they uphold the plaintiffs' title, possession and consequential reliefs granted by the two courts below.

2. The respondents/plaintiffs instituted the present suit seeking a decree of permanent prohibitory injunction to restrain the defendant, his agents, servants, or assigns from causing any manner of obstruction, interference, or hindrance in the plaintiffs' peaceful use, possession, and



enjoyment of the joint well, electric motor, and tube-well installed in the joint agricultural land bearing Khewat No. 18/15 min, Khatoni No. 31, Khasra No. 370, as reflected in the Jamabandi for the year 2014-15, situated within the revenue estate of village Hazipur, F.B. No. 250, Tehsil Nangal, District Rupnagar.

2.1. It was averred that the said well and electric installation constituted a common source of irrigation for the joint agricultural holdings, and that the defendant, without lawful authority, had sought to obstruct the plaintiffs' longstanding and legitimate use thereof. Consequently, the plaintiffs invoked the jurisdiction of the Civil Court seeking a decree of permanent injunction to protect their co-ownership and possessory rights. They further prayed that the defendant be restrained from obstructing the irrigation of their land measuring 48 Kanals out of joint land measuring 137 Kanals 6 Marlas, bearing Khewat Nos. 14/12, 15/13, 17/15 min, and 18/15 min (as per Jamabandi 2014–15), through the existing kacha drains from the joint well, and from disconnecting, shifting, or tampering with the electric connection or water supply system attached thereto. Hence, the suit.

3. Upon service of summons, the appellant/defendant entered appearance and filed a comprehensive written statement, vehemently contesting the claim of the respondents/plaintiffs. It was asserted that the electric connection, motor, and tube-well installed in Khasra No. 370 were exclusively conceived, financed, and installed by the father of the appellant, solely for his individual agricultural use, without any contribution monetary or otherwise from the plaintiffs or their predecessors. The defendant further averred that the respondents/plaintiffs are in possession of an independent



bore-well situated in Khasra No. 389, forming part of the ancestral holding falling to their exclusive share (*'hissedari'*) upon mutual partition effected among the forefathers of both lineages. Pursuant to such partition, it was contended, each family branch has remained in separate, peaceful, and uninterrupted possession of its demarcated share, exercising independent ownership and possession rights thereto.

3.1. In view of this admitted and longstanding separation of possession and enjoyment, the appellant categorically denied the existence of any joint ownership, joint user, or common rights in respect of the tube-well, electric motor, or water supply system situated in Khasra No. 370. Accordingly, it was urged that the respondents/plaintiffs have no enforceable legal or equitable claim to the use or enjoyment of the said installation, and that the suit was misconceived, legally untenable, and liable to be dismissed with costs.

4. The respondents/plaintiffs filed a replication, expressly denying the assertions set forth in the written statement and reaffirming the averments of the plaint. Upon a comprehensive examination of the pleadings and rival contentions, the Court framed specific issues for adjudication, ensuring a precise and legally structured determination of the controversies between the parties as under:-

1. Whether the plaintiffs are entitled to permanent injunction as prayed for? OPP
2. Whether the suit of the plaintiff is not maintainable? OPD
3. Whether plaintiff has suppressed the real and material facts from this court? OPD



4. Whether plaintiffs are estopped by their own act, conduct etc to file the present suit? OPD

5. Relief.

5. Both parties were afforded ample and effective opportunity to lead oral and documentary evidence in substantiation of their respective claims and defences. Upon the culmination of the evidentiary proceedings and after comprehensive consideration of the submissions advanced by learned counsel for the parties, the learned Trial Court decreed the suit, thereby restraining the appellant/defendant from causing any obstruction, interference, or impediment in the plaintiffs' peaceful use and enjoyment of the joint tube-well situated in Khasra No. 370.

5.1. Aggrieved by the judgment and decree rendered by the learned Trial Court, the appellant/defendant preferred a statutory first appeal before the learned District Judge, Rupnagar. Upon an independent and exhaustive appraisal of the record and the findings returned by the Court below, the learned First Appellate Court found no infirmity, illegality, or perversity warranting interference and, consequently, dismissed the appeal, thereby affirming the decree passed by the learned Trial Court in its entirety.

6. The appellant/defendant has instituted the present RSA, invoking the jurisdiction of this Court to assail the concurrent findings of fact and law recorded by both the Courts below, whereby the suit of the respondents/plaintiffs was decreed and such decree was subsequently affirmed in appeal through well-reasoned and concurrent judgments rendered by the learned Trial Court and the learned First Appellate Court, respectively.

7. I have heard learned counsel for the appellant at length and given careful consideration to his submissions in light of the pleadings,



evidence, and concurrent findings of the Courts below. The record has been meticulously examined to assess *‘whether the impugned judgments and decrees, along with the application for additional evidence seeking comparison of thumb impressions, suffer from any jurisdictional error, perversity, or legal infirmity warranting appellate interference’?*

8. The record unmistakably establishes that the suit land continues to be held jointly by the parties. The Jamabandi for the year 2014–15 (Ex. P-2) and the Jamabandi for the year 2019–20 (Ex. P-1) unequivocally reflect the joint ownership status of the holdings, including Khasra No. 370, wherein the tube-well in dispute stands installed. The contention advanced by the appellant/defendant regarding an alleged partition of the joint holdings is untenable, as no credible evidence has been produced to substantiate the same.

8.1. By virtue of Section 44 of the Punjab Land Revenue Act, 1887, a statutory presumption of truth attaches to the entries recorded in the Jamabandi, and in the absence of any cogent rebuttal, the said presumption remains undisturbed. The respondents/plaintiffs have further fortified their claim by producing electricity payment receipts (Ex. P-13 to Ex. P-16) spanning the years 1988–1991, evidencing continuous contribution toward the operation and maintenance of the joint tube-well. Significantly, DW-2, the appellant/defendant himself, admitted during cross-examination that Khasra No. 370 forms part of the joint property of the parties.

8.2. The learned Civil Judge, in affirming these findings, rightly relied upon the binding precedents of this Hon’ble Court, namely:

- ***Gopi Ram v. Shyam Sunder & Others*, 2002(2) RCR (Civil) 710,**



- *Rajmohan Singh v. Manmjit Singh & Others*, 2019(4) PLR 565,
and
- *Pritpal Singh & Others v. Hari Singh & Others*, 2017(2) PLR 574,

8.3. wherein it has been consistently held that, in agricultural joint holdings, it is a prevalent and recognized practice that a tube-well connection may stand in the name of one co-sharer for administrative convenience, as departmental records can be maintained only in one name. Such registration does not confer exclusive ownership or user rights, particularly when the installation is situated upon joint land and no formal partition has been effected.

8.4. Accordingly, the concurrent findings of both Courts below that the disputed tube-well and electric connection are of joint character and that the respondents/plaintiffs possess co-extensive rights of use and irrigation are well-founded, legally sound, and supported by documentary as well as oral evidence on record.

9. The concurrent findings recorded by the Courts below disclose no illegality, perversity, or material infirmity; accordingly, no substantial question of law arises for determination by this Court.

9.1. Counsel for the appellant urged that, as a co-owner of the suit holdings, the appellant is entitled to user of the bore-wells situate in Khasra Nos. 380 and 389, and thereby claims correlative rights of access to and enjoyment of the water-installations located on the joint property. It is admitted case of respondents that no such relief can be given to appellants as the same was not 'subject matter' of the suit from which present appeal has arisen.



10. Keeping in view the aforesaid observation, no substantial question of law arises for consideration. The appeal, being devoid of merit, stands dismissed.

11. Consequent upon the final adjudication of the main appeal, all pending miscellaneous application(s), if any, stand disposed of in view of the judgment rendered herein. No further orders are required.

11.11.2025
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No