



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

147

RSA-1335-2025 (O&M)

Date of decision : 19.01.2026

Lakhwinder Singh (Since Deceased) through his LRs Appellant

versus

Angrej Singh

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Neeraj Goyal, Advocate
for the appellant.

PANKAJ JAIN, J. (Oral)

1. Defendant is in second appeal.
2. Plaintiff filed suit seeking decree of permanent injunction against the defendant restraining him from interfering in his peaceful possession and from interfering in user of tubewell connection to irrigate the land falling in the share of the plaintiff. Parties are real brothers, who are in possession of the suit land owned by custodian. They purchased possessory rights. As per the plaintiff, he possesses 8 kanal 19 marlas of land. Out of the same, he sold possessory rights qua 05 kanal 07 marlas in favour of one Bansilal son of Zile Singh along with the share of tubewell water. He is left with 03 kanal 12 marlas of land. Defendant locked the tubewell room, due to which plaintiff could not irrigate his crop. Plaintiff accordingly filed the present suit.
3. Suit was contested by defendant. He denied the title of the plaintiff. Defendant claimed that it is the State Government which was owner of the suit land. Plaintiff sold his possessory rights in favour of



Sunita Devi wife of Bansilal for a consideration of Rs.15 lakh vide sale deed dated 19.05.2016 and has no concern with the suit property or with the electricity tubewell connection.

4. Trial Court decreed the suit filed by the plaintiff relying upon admission made by the defendant that after selling 05 kanal 07 marlas of land to Bansilal, plaintiff was still in possession of 03 kanal 12 marlas. Trial Court further held that the tubewell and electric connection is in the name of plaintiff. Defendant has no right to interfere in the use of the same by the plaintiff to irrigate his share of land.

5. In the appeal preferred by defendant, the findings recorded by the Trial Court stand affirmed.

6. Counsel for the defendant-appellant has assailed the findings recorded by the Court below. He relies upon statement made by plaintiff Angrej Singh while appearing as PW-1 before the Trial Court. Counsel submits that the plaintiff admitted in his statement that he is not in possession over the suit land, yet suit for injunction has been decreed in his favour.

7. I have heard counsel for the appellant and have carefully gone through the records of the case.

8. The argument raised by counsel for the appellant is misconceived and the same cannot be accepted. Angrej Singh in his cross examination though admitted that he is not in actual physical possession as the land has been leased out to Bansilal. Thus, Bansilal is in possession under plaintiff only. Defendant admitted that after selling possessory rights to the wife of Bansilal, plaintiff is still



holding possessory rights over 03 kanal 12 marlas of land qua which injunction has been sought. Even if the land is in actual possession of Bansilal as lessee under plaintiff, plaintiff is well within his right to seek injunction against defendant for interfering in user of tubewell connection.

9. It is not in dispute that the tubewell electricity connection is in the name of plaintiff. There is no other source to irrigate the field. In view thereof, the Courts below rightly decreed the suit filed by the plaintiff as the portion of land cannot be left uncultivable by the act of defendant.

10. Finding no merits in the present appeal, the same is ordered to be dismissed.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stand disposed off.

(PANKAJ JAIN)
JUDGE

19.01.2026
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No