



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

114

RSA-1753-2025 (O&M)
Date of decision: 04.02.2026

Sudhir and another

. . . . Appellants

Vs.

Anoop Singh and others

. . . . Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Rohit Mittal, Advocate, for the appellants

DEEPAK GUPTA, J.

CM-6054-C-2025

This is an application for condonation of delay of 98 days in filing the appeal.

For the reasons mentioned in the application, the same is allowed and the delay of 98 days in filing the appeal is hereby condoned.

RSA-1753-2025 (O&M)

Defendants No.3 and 4 are before this Court by way of the present Regular Second Appeal, assailing the concurrent judgments and decrees passed by the learned Courts below, whereby the suit for permanent injunction filed by Anoop Singh (*respondent No.1*) was decreed by the learned Trial Court vide judgment dated 08.09.2017, and the appeal preferred by the present appellants was dismissed by the learned First Appellate Court vide judgment dated 25.10.2024.

2. The dispute pertains to an electric tube-well connection installed over agricultural land, which admittedly was earlier owned by Ram Lal, father of the plaintiff–respondent No.1; Dalip Singh, father of defendants No.3 and 4 (appellants herein); and Bhoop Singh, whose legal

heirs are impleaded as proforma defendants No.5 to 10. Upon the death of Ram Lal, the three sons inherited the property in equal one-third shares.

3. During the lifetime of Ram Lal, a well was constructed in the joint land situated in Rectangle No.38, Khasra No.22, and the electricity connection was obtained in the name of Dalip Singh, solely on account of the fact that he was serving in the Indian Army, and defence personnel were accorded priority for release of electricity connections. Subsequently, when the water level receded, a fresh bore was jointly installed and a 10-BHP submersible motor was fitted, which was being used by all the co-sharers in proportion to their respective shares.

4. The grievance of the plaintiff is that after the death of Dalip Singh, defendants No.3 and 4, in collusion with the officials of the electricity department, attempted to shift the electricity connection to a newly constructed bore in the land allegedly fallen to their exclusive share, thereby depriving the plaintiff and other co-sharers of their right to irrigation. Consequently, the present suit for permanent injunction was instituted to restrain such unilateral action.

5. The defendants contested the suit, asserting that the electric connection was installed exclusively by their father Dalip Singh from his own funds and that neither the plaintiff nor the proforma defendants had any right, title or interest therein.

6. Upon framing of issues and appreciation of oral as well as documentary evidence, the learned Trial Court decreed the suit. The learned First Appellate Court, after re-appraisal of the entire evidence, affirmed the findings and dismissed the appeal.

7. Assailing the concurrent findings, learned counsel for the appellants has contended that the Courts below failed to appreciate the evidence in its correct perspective and wrongly held the electric tube-well connection to be joint property.

8. This Court has considered the submissions advanced and has perused the record with the able assistance of learned counsel. The contention raised does not merit acceptance.

9. The learned First Appellate Court has returned well-reasoned findings, noticing that the jamabandi (Ex.P-1) unequivocally establishes that the entire agricultural land, including the land on which the electric tube-well exists, continues to be joint and un-partitioned. It has further been rightly noticed that though the electricity connection stood in the name of Dalip Singh, the same was obtained only because of his status as a defence personnel, a fact admitted by DW-1 in cross-examination.

10. Further, DW-2 categorically admitted that Ram Lal had raised a loan of ₹8,000/- from the Primary Co-operative Development Bank, Narnaul, thereby substantiating the plaintiff's stand that the electric tube-well connection was not the exclusive investment of Dalip Singh, but was installed for the benefit of the joint family.

11. In law, it is well settled that where land is jointly owned and un-partitioned, any tube-well or electric connection installed therein partakes the character of joint property, irrespective of the fact that the electricity connection may stand in the name of one co-sharer. The learned First Appellate Court has correctly relied upon the judgment of this Court in ***Gopi Ram v. Shyam Sunder and others, 2006 (2) Law Herald 1215***, wherein it was held that installation of a tube-well in joint land renders it joint property, unless partitioned by metes and bounds.

12. Similar views have been consistently reiterated in ***Darshan Singh v. Raghubir Singh, 2001 (2) RCR (Civil) 328***, and ***Jaspal Singh and another v. Bahadur Singh and others, Civil Revision No.5459 of 2011 decided on 07.09.2011***, holding that a co-sharer cannot, to the prejudice of other co-sharers, unilaterally shift or appropriate a common facility installed on joint land.

13. The legal position being settled, the inevitable conclusion is that defendants No.3 and 4, being merely co-sharers, had no exclusive right

to shift the electric tube-well connection so as to deprive the plaintiff and other co-sharers of their legitimate use thereof, unless the property was partitioned through due process of law.

14. It is also trite that in a Regular Second Appeal under Section 100 CPC, this Court does not interfere with concurrent findings of fact unless the same are shown to be perverse, based on misreading of evidence, or giving rise to a substantial question of law. No such perversity or illegality has been demonstrated by the appellants.

15. The findings recorded by both the Courts below are based on proper appreciation of oral and documentary evidence and are in consonance with settled legal principles. The appeal, therefore, raises no substantial question of law warranting interference by this Court.

16. Consequently, the present Regular Second Appeal is dismissed, being devoid of merit. Pending applications, if any, also stand disposed of.

04.02.2026

Vivek

Whether Speaking/reasoned

Whether reportable

(DEEPAK GUPTA)

JUDGE

Yes

No