



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

238

**RSA-3245-2012 (O&M)
Date of decision : 20.01.2026**

Shamsher Singh

..... Appellant

versus

Jagroop Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Ms. Sushma Chopra, Advocate
for the appellant.

Mr. Ashok Kumar Sharma, Advocate
for respondents No.2 and 3.

PANKAJ JAIN, J. (Oral)

1. Defendant No.3 is in second appeal.
2. Plaintiff filed suit seeking decree of permanent injunction with further relief of mandatory injunction.
3. Father of the plaintiff and father of defendant No.3 were real brothers and were co-sharers in a joint land measuring 125 bighas in equal share. For irrigating the land, electric connection was installed in the name of Arjan Singh-father of defendant No.3-Shamsher Singh, i.e. the appellant. Admittedly, the land was partitioned amongst the parties. The electricity connection fell in the land which came to the share of plaintiff.
4. As per the plaintiff, defendant No.3 by way of affidavit dated 16.10.2001, sold the motor connection after receiving full and final consideration. Plaintiff claims that an application was moved



seeking transfer of the motor connection with the Electricity Board, i.e. defendants No.1 and 2. NOC was also submitted by defendant No.3. Official defendants have not yet acted upon the representation moved by the plaintiff. Plaintiff thus, claimed that defendants No.1 and 2 who are threatening to transfer the motor connection be restrained from doing so and to decide the claim of the plaintiff.

5. Suit was contested by the defendants. Defendants No.1 and 2 claimed that the parties, i.e. the plaintiff as well as defendant No.3 are at loggerheads. Defendant No.3 has filed suit regarding the same electricity connection. Keeping in view the rival claim being raised by the parties, the connection cannot be transferred.

6. In a separate written statement, defendant No.3 though admitted the relationship between the parties, but denied the partition and denied of having sold the electricity connection to the plaintiff and his brothers.

7. On the basis of the pleadings, Court of the First Instance framed following issues:-

- “1. Whether the plaintiff is entitled to a decree of permanent injunction, as prayed for? OPP*
- 2. Whether the plaintiff is entitled to a decree for mandatory injunction, as prayed for? OPP*
- 3. Relief.”*

8. Both the Courts below concluded that the plaintiff successfully proved execution of affidavit Ex.P-5. Shamsheer Singh failed to appear in the witness box to deny his thumb impression on the affidavit. The Courts below took cognizance of the testimony of the defendant's witness, wherein they admitted that the property stands



partitioned. The land beneath the tubewell has fallen to the share of Jagroop Singh. The Courts below accordingly, decreed the suit filed by the plaintiff.

9. Ms. Chopra appearing for the defendant-appellant has assailed the decree passed by the Courts below. She submits that defendants No.1 and 2 are not deciding the representation. The claim of both the parties is pending due to inertness of defendant No.1 and 2 and the Courts have granted injunction against the appellant.

10. *Per contra*, counsel for the respondent No.2 and 3 submits that pure finding of facts has been recorded by the Courts below. The plaintiff propounded affidavit executed by defendant No.3 i.e. Ex.P5. Defendant No.3 having failed to step into witness box, the Courts below have rightly taken cognizance thereof and decreed the suit filed by the plaintiff.

11. I have heard counsel for the parties and have carefully gone through the records of the case.

12. The argument raised by Ms. Chopra is misconceived. The same is evident from the bare perusal of decree passed by the Court of First Instance which stands upheld by the Lower Appellate Court. The operative part of the decree reads as under:-

“22. In the totality of facts and circumstances discussed above, the suit is decreed partly and the defendant board is given three months time from the date of preparation of copy of this judgment, to pass speaking and reasoned order on the representation made by the plaintiff for transfer of the electric connection number BH-313 of 7.5 BHP earlier in the name of Arjan Singh. Till such order is passed, the



defendants are restrained from transferring the said electric motor connection in the name of any other person except the plaintiff. Decree sheet be drawn and file be consigned to the Record Room.”

13. Bare perusal thereof would reveal that the defendant board was granted three months time from the date of passing of the judgment to pass a speaking order. It is only till then that the defendants were restrained from transferring the electricity connection in the name of any other person. No other point has been raised.

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

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

(PANKAJ JAIN)
JUDGE

20.01.2026

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No