

HIGH COURT OF UTTARAKHAND AT NAINITAL

Appeal From Order No.175 of 2025

Sardar Darshan Singh

.....Revisionist

Versus

Smt. Rajkumari Chauhan and others

.....Respondents

Present:- Mr. Rishab Ranghar, Advocate for the appellant/defendant.
Mr. Vishesh Srivastava, Advocate for the respondents.

Hon'ble Ravindra Maithani, J. (Oral)

The respondent no.1/Smt. Rajkumari Chauhan filed Original Suit No.24 of 2020, Smt. Rajkumari Chauhan Vs. Sardar Darshan Singh and others in the court of Civil Judge (Sr. Div.), Dehradun ("the suit") seeking possession of the property-in-question. In the suit, an application was filed by the appellant/defendant that since he is in possession on the property-in-question, he may be permitted to get a water connection because the court has passed a *status quo* order. His application was rejected by the impugned order dated 02.05.2025.

2. Heard learned counsel for the parties and perused the record.

3. Learned counsel for the appellant submits that the appellant had purchased the property from its lawful owner in the year 2013. Since then, the appellant is in possession over the property-in-question. He had a well, which was source of fresh water, but now, the well has dried up. Therefore, there is a need to

get a water connection. But, the respondent no.1/plaintiff is creating obstacles in getting water connection.

4. Learned counsel for the respondent no.1/plaintiff submits that prior to purchase of the property by the appellant, the property-in-question had been purchased by the respondent no.1/plaintiff from its lawful owner. She was in possession of it. She filed the suit seeking injunction earlier, but during the pendency of the suit the appellant took forcible possession. Therefore, relief of possession has been sought. It is submitted that by taking water connection the appellant/defendant is trying to collect evidence.

5. Para 7 of the impugned order records that if appellant/defendant was in possession of the property since 2013, he could have get water connection. What is the need for him now after such a long interval? As stated, learned counsel for the appellant had argued that earlier they had a well, which is now dried up.

6. Admittedly, the appellant/defendant is in possession on the property-in-question. The respondent no.1/plaintiff had filed the suit seeking possession of the property-in-question. Both the parties admitted that there are electricity connection on the property-in-question in the names of both, the appellant/defendant as well as respondent no.1/plaintiff. On 07.12.2023, both the parties had agreed that the *status quo qua* the property-in-question may be maintained, therefore, the order was passed by the court below.

7. The Court wanted to know from the learned counsel for the respondent no.1/plaintiff, as to what difference does it make, if the water connection is taken by the appellant/defendant? He submits that it should be a kind of evidence. The Court posed a question as to whether the respondent no.1/plaintiff is willing to get water connection on the property-in-question? After seeking the instructions, learned counsel for the respondent no.1/plaintiff admits it and submits that though the connection would be taken by the respondent no.1/plaintiff by paying all the expenses, but the running bills can be paid by the appellant/defendant.

8. The Court records the statement given on behalf of the respondent no.1/plaintiff.

9. Learned counsel for the respondent no.1/plaintiff also submits that they will complete all the formalities for taking water connection within 15 days.

10. The application 82 C-2, filed by the appellant/defendant is disposed of on the following conditions:-

- (i) The respondent no.1/plaintiff shall apply for water connection in her own name for the property-in-question within 15 days from today and shall forward a set of all the documents to the appellant/defendant.
- (ii) All the expenses for that purpose shall be borne by the respondent no.1/plaintiff.
- (iii) All the consumption bill of the water connection shall be paid by the appellant/defendant.

(iv) In case, the respondent no.1/plaintiff fails to apply within 15 days for seeking water connection, the appellant/defendant shall be free to apply for water connection on the property-in-question.

11. This Court makes it clear that taking water connection shall not create any right in favour of any of the parties. This order shall not be construed as it making any preferential treatment *qua* rights of the parties on the property-in-question. It shall have no effect on the adjudication of the suit.

12. The impugned order stands modified accordingly.

(Ravindra Maithani, J.)
12.03.2026

Sanjay

SANJAY
KANOJIA

