

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

C. R No. 3025 of 2014 (O&M)

Date of decision : 19.11.2015

Baldev Singh

....Petitioner

versus

Sukhjinder Singh and others

...Respondents

CORAM: **HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. Tapish Gupta, Advocate
for the petitioner.

RITU BAHRI , J. (Oral)

Challenge in this petition is to order dated 26.02.2014 passed by learned Additional District Judge, Ferozepur, vide which, the appeal of respondent No. 1 has been allowed and the application of respondent No. 1 for temporary injunction has been allowed.

The dispute in the present case is between two real brothers. The land measuring 53 kanals 02 marlas was originally owned by Saudagar Singh, father of the plaintiff/respondent No. 1, who has two more sons and after the death of Saudagar Singh, there had been a family partition by which the land fell into their respective shares. The connection of the electric connection was in the name of the present petitioner/defendant No. 1. As per copy of the jamabandi for the year 2002-03, the entire land is

agricultural land. The learned trial Court dismissed the application under Order 39 Rule 1 and 2 filed by respondent No. 1 and held that the connection is in the name of the present petitioner from the very beginning. However, the lower Appellate has allowed the appeal filed by respondent No. 1 and held that if the motor connection will be shifted to the land of the petitioner, it will permit him to restrain the other owners of the land from cultivating their land. Parties were directed to maintain status quo regarding existing facts.

The learned Appellate Court has rightly allowed the application of respondent No. 1, as there was only one electric motor connection.

The present petition is accordingly dismissed, being devoid of any merit.

19.11.2015

G.Arora

(RITU BAHRI)
JUDGE