

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 4302 of 2014 (O&M)

Date of decision: 19.05.2015

Jaspal Singh and another

... Petitioners

versus

Mohan Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Inderjeet Singh, Advocate for the petitioners.

Mr. J.S. Gill, Advocate for respondent No.3.

Mr. Gaurav Mohunta, Advocate for respondent No.5.

K.Kannan, J.

The plaintiff-decree holder has a grievance that an electricity connection standing in the name of the judgment debtor was allowed to be shifted at the instance of the judgment debtor himself but in so doing the electricity meter and the board connection have been placed on the plaintiff's outer wall of the house. I cannot see this activity as so much a part of disobedience of the order by the judgment debtor but in order to effectuate the decree, I direct the electricity board, which is not a party to the proceeding, to remove the electric installations that stand in the name of the judgment debtor-defendant to be relocated to any place which belongs to the judgment debtor and not in any portion of the property which is subject matter of suit and for which the decree for injunction has been obtained by the decree-holder.

Since the order is being passed in the absence of the Electricity Board, the plaintiff-decree holder is at liberty to supply the copy of the order to the competent officer who has the power to relocate the electrical installations and the judgment debtor is also directed to identify the place within his own boundary where such installation could be located. The competent officer of the Electricity

Board shall carry out this direction within two weeks or from the date when the request is received from the plaintiff. If there is any default on his part, the decree-holder is at liberty to apply for attachment in the manner contemplated under Order 21 Rule 32 CPC against the Electricity Board against the Officer who is in breach of the Court's directions and there can be no plea that the Electricity Board itself was not a party to the proceeding. The power of Court ought to be taken as available nor merely against the judgment debtor but also against any person who is bound to effectuate the terms of the decree for injunction granted against the judgment debtor whose electrical installations are controlled by the Electricity Board and to that extent, therefore, it owes the duty to comply with the directions.

The impugned order is modified and the civil revision petition is allowed to the above extent.

(K.KANNAN)
JUDGE

19.05.2015
kv