

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

CR No. 4646 of 2014

Decided on: March 09, 2015.

Tirath Singh

.... Petitioner

Versus

Gurbax Kaur and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Keshav Partap Singh, Advocate,
for the petitioner.

Mr. D.K. Nagar, Advocate,
for respondent No.1.

M.M.S. BEDI, J (ORAL)

The defendant is aggrieved by the order passed by the Courts below allowing the application under Order 39 Rule 1 & 2 CPC read with Section 151 CPC directing the defendant-petitioner not to interfere in the possession of the plaintiffs or to dispossess the plaintiffs from the suit land which is khasra No.5//1, 26 mentioned in the heading of the plaint.

Learned counsel for the defendant has submitted that he has been able to get electricity connection after 20 years of his application and by dis-allowing him to get the electric motor connection installed in above said khasra number, serious prejudice will be caused to him.

On the other hand, learned counsel for the plaintiff-respondent No.1 submits that partition proceedings are pending before the revenue authorities and the plaintiffs on the basis of their possession over the above said specific khasra number have got a valid expectation that the particular khasra number will fall to the share of the plaintiffs. It is apprehended that

in case the electric connection is permitted to be installed in above said khasra number, the defendant-petitioner will get a plea to claim possession of the particular khasra number.

Learned counsel for the petitioner-defendant has submitted that he has got instructions to give an undertaking that in case the electricity connection is permitted to be installed in khasra No.5//1, 26, he will not claim right in partition proceedings regarding that particular khasra number on the basis of electric connection having been installed.

The order passed by the Courts below can be modified in view of undertaking given by the defendant. It is accordingly ordered that electric connection granted to the defendant-petitioner may be installed by him in the particular khasra number in his actual physical possession or in the disputed khasra No.5//1, 26 but he will be bound by his undertaking given before the Court that on the basis of electric connection having been installed in abovesaid khasra number, he would not be entitled to claim a right in that particular khasra number for the purpose of partition proceedings pending before the revenue authority.

In case of violation of undertaking, the petitioner-defendant will be liable for legal consequences as per law. The installation of electric connection will be at the risk and responsibility of defendant-petitioner.

The revision is disposed of in the above terms.

(M.M.S. BEDI)
JUDGE

March 09, 2015
harsha