

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 6886 of 2015
Date of decision : October 15, 2015

Balbir Kaur

..... Petitioner

Versus

Jatinder Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Sukhpreet Kaur Advocate
for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

Amit Rawal, J (oral).

The challenge in the present petition is to the impugned order dated 19.9.2015 whereby the appeal filed against the order dated 21.7.2015 passed by the Civil Judge Junior Division, Amritsar dismissing the application under Order 39 Rule 1 and 2, has been allowed and defendant Nos. 1 and 2-Punjab State Power Corporation Ltd.has been restrained from dis-connecting the electricity connection bearing connection No.SW01/376.

Learned counsel appearing on behalf of the petitioner submits that petitioner is none else but mother of respondent No.1-plaintiff in the suit already filed for mandatory injunction seeking possession of the premises which is in his illegal occupation , revocation of the license and possession has been

sought. The respondent No.1 has obtained the electric connection by submitting incorrect information to the electricity board by branding himself to be the owner. The plot in dispute has another connection which has been issued in the name of petitioner-defendant No.1. The appellate court while allowing the appeal has committed illegality and perversity as ingredients of Order 39 Rule 1 and 2 CPC were conspicuously wanting. Thus, prays that the impugned order be set aside.

I have heard learned counsel for the petitioner and appraised the paper book.

It is very unfortunate that the dispute is between the mother and one son. The petitioner has three sons and one daughter who are living separately. However, two grand sons aged 32 and 36 are living with the petitioner. The claim of the respondent-plaintiff in the suit is for permanent injunction against the electricity board/Punjab State Power Corporation Ltd. not to dis-connect the electricity connection at the instance of the petitioner who is stated to be owner of the property. It is a matter of record that respondent No.1 is staying in the annexe portion of the house and got electricity connection, aforementioned individually. In case, the petitioner succeeds in her suit and able to get the possession of the property, the connection installed in the name of respondent No.1 would also go with him. The supply of a connection of electricity, which is essential requirement to sustain and live in the society and disconnection of electricity connection at the instance of the petitioner at this stage, would lead to a stretching

a discord, purported to be in existence between the parties to the *lis*.

I do not intend to differ with the finding rendered by the lower appellate court while deciding the appeal allowing the application for ad interim injunction in favour of respondent No.1-plaintiff.

I do not find any illegality and perversity in the impugned order and the same cannot be said to have been passed without jurisdiction.

The revision petition is devoid of merits. Accordingly the same is dismissed.

This order of mine shall not be construed as an expression of opinion on the merits of the case. The court below shall not be influenced by the aforementioned findings while deciding the matter.

(AMIT RAWAL)
JUDGE

October 15 , 2015
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