

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

CR No.2274 of 2016
Date of decision : 19.08.2016

Ram Chander

...Petitioner

Versus

The SDO (OP) City, Dakshin Haryana Vidhyut Parsaran Nigam Ltd. and
ors.

..Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

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

Present: Mr. Chanderhas Yadav, Advocate for the petitioner.

AMIT RAWAL, J. (Oral)

The petitioner-plaintiff is aggrieved of the dismissal of the application moved under Order 39 Rules 1 and 2 of CPC seeking restraint order against the DHVPNL for issuing of the electric connection in favour of the respondent Nos.3 and 4 being allegedly co-sharers.

Mr. Chanderhas Yadav, learned counsel appearing on behalf of petitioner-plaintiff submits that proceedings of partition is pending, therefore, trial Court ought not to have granted liberty to seek the electric connection.

He further submits that Courts below has not appreciated the fact that provision of Order 39 Rules 1 and 2 is made out.

I have heard learned counsel for the petitioner and appraised the paper book and of the view that once the regulation permits for release of connection to co-sharer, the other co-sharer cannot seek restraint order. However, either in partition proceedings, if connection falls to the parties, parties can take the claim but not in the manner and mode as has been adopted. The plaintiff shall be at liberty to complete evidence in suit filed in 2014 as expeditiously as possible.

No ground for interference is made out.

Dismissed.

19.08.2016

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No