

CR-37-2016(O&M)

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IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CR-37-2016(O&M)

Date of decision : 08.01.2016

Janak Raj

... Petitioner

Versus

Dakshini Haryana Bijli Vitran Nigam Ltd.(DHBVNL) and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

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

REKHA MITTAL. J.(ORAL)

The present petition lays challenge to order dated 11.03.2015 (Annexure P2) passed by the Civil Judge (Junior Division), Sirsa whereby application under Order 39 Rule 2-A read with Section 151 of the Code of Civil Procedure (in short 'CPC') has been dismissed and order dated 16.10.2015 (Annexure P3) passed by the Additional District Judge, Sirsa dismissing the appeal against order dated 11.03.2015.

The petitioner filed a suit for mandatory injunction directing the respondents to restore the electric connection bearing No.S-3/782 AP for tubewell. The suit filed by the plaintiff was dismissed by the trial Court vide judgment and decree dated 26.05.2012. Despite dismissal of the suit, the petitioner filed an application under Order 39 Rule 2-A read with Section 151 CPC on the premise that the respondents are guilty of

violating the order passed by the Additional Civil Judge (Senior Division), Sirsa whereby respondents were directed to issue a new tubewell connection to the petitioner. The Civil Judge (Junior Division), Sirsa after seeking reply from the respondents and framing of issues came to hold that there was no such direction issued by the Court to the respondents to issue a new tubewell connection in the name of the petitioner and therefore, the respondents are not guilty of violating any order passed by the Court. The findings recorded by the Civil Judge were affirmed in appeal by the Additional District Judge, Sirsa vide judgment dated 16.10.2015.

On due consideration of the application filed by the petitioner, the judgment and decree passed in the suit for mandatory injunction resulting in dismissal of the suit and findings recorded by the Courts below in the impugned orders would leave no manner of doubt that the petitioner is guilty of approaching different courts without any order favourable to him directing the respondents to issue a new tubewell connection in his name. I do not find any error much less illegality in the impugned orders as would call for intervention.

For the reasons aforestated, the petition is dismissed in limine.

(REKHA MITTAL)
JUDGE

January 08, 2016.

Davinder Kumar