

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT  
CHANDIGARH

C.R. No.6599 of 2015 (O&M)

Date of Decision.08.01.2016

Karnail Singh and another

.....Petitioners

Vs.

Chamkaur Singh

.....Respondent

Present: Mr. B.S. Guliani, Advocate  
for the petitioners.

Mr. Vikas Mehsempuri, Advocate  
for the respondent.

**CORAM:HON'BLE MR. JUSTICE K. KANNAN**

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?

-. -

**K. KANNAN J. (ORAL)**

1. There is no scope for intervention in the interim order already passed allowing for injunction in favour of the plaintiff considering the fact that one connection BP-142 stands in the name of the father and yet another connection BP-119 stood in the name of the father but later transferred in the name of the defendant in the year 1999. There is surely a prima facie case for the plaintiff to seek for user of the property as a joint owner and the Court has correctly allowed for such an exercise to be done without any fetter from the respondent.

2. The petitioner who is the defendant in the suit and who was resisting the action for injunction has a grievance that the plaintiff has three other connections in BP-182, BP-126 and BP-125, which are not made even subject matter of suit and he has concealed the same and filed the suit without allowing for any user as possible for himself. The jamabandi

shows that all the five connections are mentioned as available for all the

joint properties and therefore, the plaintiff could not have been granted any injunction only in respect of the connection standing in the name of the father and in his own name without making adequate provision for the defendant's enjoyment with reference to three other connections.

3. It must be pointed out that all other connections which purport to stand in the name of the plaintiff are not subject matter of suit and I find that there is nothing seriously wrong about the frame of the suit to seek for injunction in respect of matters where the plaintiff claims a right which is denied by the defendant. It is open to the defendant to bring his own suit if he had any claim with reference to the tubewell connections that stand in the name of the plaintiff and the rights of parties with reference to the connections standing in the name of the plaintiff will be decided in such an action. As of now, the injunction granted is with reference to the tubewell connections that stood in the name of the father, one of which has stood transferred subsequently in the year 1999. The counsel for the respondent also points out that there was a compromise between the parties during the pendency of the case in appeal and the use of the tubewell has been allowed to be in turns. The revision petition itself is not bona fide and it is intended to scuttle a compromise brought in the village. The counsel for the petitioner states that the compromise is not true. Even without reference to the compromise, I do not think any intervention is possible.

4. The order already passed would require to be confirmed and accordingly confirmed. The revision petition is dismissed.

**(K. KANNAN)**  
**JUDGE**

**January 08, 2016**  
**Pankaj\***