

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

-.-

CR 6877 of 2016
Date of decision: 18.10.2016

Umed Singh (since deceased) through Legal heirs *Petitioners*

Versus

*AGM (Operation City) Dakshini Haryana Bijli Vitran Nigam Limited,
Mahendergarh and another* *Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Atul Yadav, Advocate
for the petitioner

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Rekha Mittal, J. (Oral)

The present petition has been directed against order dated 27.06. 2016 (Annexure P1) passed by the Additional Civil Judge (Senior Division) Mahendergarh and dated 03.10.2016 (Annexure P2) passed by the Additional District Judge, Narnaul whereby the respondents/defendants have been directed to restore electricity connection if plaintiff deposit 50% amount.

Counsel for the petitioner would submit that the suit was filed by Umed Singh predecessor-in-interest of Yogender & others and Umed Singh passed away during pendency of the suit. It is further submitted that Umed Singh and his family are small time farmers, therefore, they are not even in a position to deposit 50% of the amount that could be Rs.3,00,000.00 approximately. It is further submitted that the application filed by the petitioners for grant of interim injunction has not been decided by the trial Court on merits but order dated 27.06.2016 was passed as an

interim measure, as has been so held even by the Court of appeal. It is further submitted that the petition may be disposed of with a direction to the trial Court to decide the application for interim injunction in a time bound manner.

In view of submissions made by counsel for the petitioners, without examining correctness or otherwise of the impugned order dated 27.06.2016 passed by the trial Court as an interim measure, the instant petition is disposed of with a direction to the trial Court to decide the application for interim injunction on merits, in accordance with law within a period of fifteen days from the date of receipt of a certified copy of this order.

(Rekha Mittal)
Judge

18.10.2016
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No