

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

CR No. 3463 of 2017

Date of Decision: 26.07.2017

OM PARKASH SINGH

-PETITIONER

VS

SDE (SDO), DAKSHIN HARYANA BIJLI VITRAN NIGAM
LIMITED AND ANR.

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rajesh Arora, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

This is a revision petition filed by the plaintiff-petitioner against the orders passed by the Courts below in an application under Order 39 Rules 1&2 read with Section 151 CPC.

Plaintiff has filed a suit for permanent injunction against the defendants on the ground that plaintiff and defendant No.2 are co-sharers in the joint land and the land has not been partitioned so far. Injunction was sought against the intended effort made by the defendants to get a tubewell connection installed in Killa No.10/1 of Rect. No.51.

Learned counsel for the petitioner submitted that defendant No.2 has claimed exclusive possession of Killa

number in the pleadings and no objection was obtained from other co-sharers.

Both the Courts below have decided the application on the premise that defendant No.2 shall not be entitled to any benefit of installation of electric connection in Killa No.10/1 during partition proceedings. Both the parties are co-sharers in the joint land. Partition would be conducted in accordance with the settled principles. Defendant No.2 shall not be entitled to seek possession of the Killa number solely on the ground that electric connection was installed at his instance.

In the event of filing partition proceedings, the same shall be decided in accordance with law without being swayed away with the installation of electric connection in these proceedings.

There is no scope of interference, however, with these observations, this revision petition is disposed of.

26.07.2017
jyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No