

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

**CR No.8238 of 2017
Date of decision:07.02.2018**

Naranjan Singh

... Petitioner

Vs.

Punjab State Power Corporation Ltd.& others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Navkesh Singh Goraya, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The present revision petition is directed against the order dated dated 23.10.2017 (Annexure P-7) passed by the Additional District and Sessions Judge, Ludhiana, vide which appeal under Order 43 Rule 1 of Code of Civil Procedure preferred by the defendants against the order dated 30.03.2017, whereby, the defendants have been restrained to disconnect the disputed motor connection, has been allowed.

Learned counsel for the petitioner-plaintiff submitted that the trial Court on the basis of documentary evidence on record restrained the electricity board and the private respondents from disconnecting the electric connection issued in the name of the plaintiff by finding the ingredients of Order 39 Rules 1 and 2 have been complied with, but the Lower Appellate Court has abdicated and committed illegality and perversity in allowing the appeal. In fact, the application for installation of electric connection was

submitted in village Rauwal but the same has been installed in village Sangatpura. During the course of hearing, he submitted that the application for amendment of the plaint is pending adjudication and thus, the order under challenge suffers from illegality and perversity.

I have heard the learned counsel for the petitioner-plaintiff and appraised the paper book.

In my view, the finding rendered by the Lower Appellate Court, for the time being in vacating the stay granted by the trial Court is perfectly legal and justified. Concededly, the injunction has been sought in respect of village Rauwal but admittedly, the electric connection has been installed in the land situated in the village Sangatpura. It would be evident from the relief claimed in the suit which reads as under”:-

“suit for the grant of permanent injunction restraining the defendants from disconnecting the electric motor connection no.AP 38/0118 installed in the name of the plaintiff in the land in his possession and for the irrigation of his land measuring 16K-18M denoting khata no.124/126/137 comprising khasra no.93R//21/2, 22/1, 22/2, 95R//1, 2/2 as entered in the jamabandi for the year 2009-10 situated in village Rauwal, Tehsil Sidhwan Bet, District Ludhiana.”

It is in this backdrop of the matter, the application for amendment was moved. I am of the view that in case the application for amendment is allowed, the petitioner-plaintiff would have a fresh cause of

action, in accordance with law.

With the aforementioned observations, while upholding the order under challenge, revision petition stands disposed of.

(AMIT RAWAL)
JUDGE

February 07, 2018
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No