

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

Sr. No.204

CR-5598-2018

Date of decision: 21.05.2019

Sita Ram

....Petitioner

versus

Dakshin Haryana Bijli Vitran Nigam, Fatehabad and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Yashdeep Nain, Advocate
for the petitioner.

Mr. S.K. Mahajan, Advocate
for respondents No.1 and 2.

Mr. Gaurav Jain, Advocate
for respondent No.3.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order dated 12.06.2018 passed by the Civil Judge (Junior Division), Fatehabad (for short – the Trial Court) directing the petitioner/plaintiff not to operate the tubewell in question as also the respondents not to disrupt the aforesaid tubewell.

The facts, in brief, which are required to be noticed for adjudicating upon the present petition are that the petitioner filed a suit seeking therein to restrain Dakshin Haryana Bijli Vitran Nigam, Fatehabad (for short – the Nigam) from disconnecting the tubewell electricity connection of the petitioner. Alongwith his suit, the petitioner filed an application under Order 39 Rules 1 and 2 CPC seeking interim relief. Upon notice, the respondents, who were the defendants in the suit, appeared before the Trial Court and sought time to file their respective written

statements. While adjourning the matter to enable the respondents/defendants to file their written statements, an interim order was passed by the Trial Court directing the petitioner/plaintiff not to operate the tubewell. The respondents were also directed not to disrupt the tubewell. Such interim order passed by the Trial Court is under challenge in the present proceedings.

Learned counsel for the parties have been heard.

The interim order which is challenged in the present proceedings was passed before the respondents had filed their respective written statements as also their replies to the application filed by the petitioner/plaintiff under Order 39 Rules 1 and 2 CPC which have now been filed. That being so, the present petition is disposed of with a direction to the Trial Court to take a reasoned decision on the application filed by the petitioner under Order 39 Rules 1 and 2 CPC. Such decision be taken within 15 days from the date of receipt of a certified copy of this order.

The present petition is disposed of in above terms.

(DEEPAK SIBAL)
JUDGE

May 21, 2019
Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No