

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

CR-6756-2019(O&M)

Date of decision:-30.10.2019

Abhey Singh

...Petitioner

Versus

Dakshin Haryana Bijli Vitran Nigam Ltd. and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Munish Gupta, Advocate
for the petitioner.

H.S. MADAAN, J.

This revision petition is directed against the judgment dated 15.10.2019 passed by Additional District Judge, Narnaul vide which while hearing the appeal against the order dated 9.9.2019 passed by Additional Civil Judge (Sr.Divn.), the appeal was accepted and order passed by the trial Court was set aside, issuing a direction to the trial Court to pass a fresh order after obtaining written statements and other relevant documents directing the parties through their counsel to appear in the trial Court on 24.10.2019.

Briefly stated, facts of the case are that plaintiff – Abhay Singh had brought a suit for mandatory injunction against defendants – Dakshin Haryana Bijli Vitran Nigam Ltd., Hisar and its AGM/Sub Divisional Officer O.P. Sub Division Ateli at Mahendergarh besides

Vinod Kumar for issuance of directions to the defendants to restore/release the electricity connection at the tenanted shop of the plaintiff under defendant No.3 – Vinod Kumar. On filing of the suit, notice thereof was given to the defendants, who put in appearance through counsel. Such counsel requested for grant of some time to file written statement to the plaint as well as to the application for grant of ad interim injunction but the trial Court without affording defendants any time for the purpose directed defendants No.1 and 2 to restore electricity supply to the shop in question till further orders. The defendants had felt aggrieved by the said order and defendant No.3 – landlord Vinod Kumar had brought an appeal to District Judge, Narnaul, which was assigned to Additional District Judge, Narnaul, who vide impugned judgment had set aside the order passed by the trial Court granting interim relief to the plaintiff.

I have heard learned counsel for the revisionist/plaintiff besides going through the record and I find that the impugned judgment does not suffer from any illegality or infirmity. The trial Court had of course shown too much hurry in granting interim relief to the plaintiff, that too in the form of mandatory injunction, in the process declining requests by counsel for the defendants for affording time to file written statement and reply to injunction application and a perusal of the order goes to show that defendants were not afforded any opportunity of hearing even. After defendants

had put in appearance through counsel and sought time to file written statements and reply to injunction application, counsel for the plaintiff requested for an ad interim injunction. Counsel for the defendant No.3 had objected to the prayer, even then the trial Court had passed such order. The lower Appellate Court has just directed the trial Court to pass a fresh order after obtaining written statements and other relevant documents. No fault can be found with the approach of the lower Appellate Court in doing so.

Therefore, the judgment passed by the lower Appellate Court is certainly not arbitrary, perverse or passed in violation of settled principles for grant or refusal of ad interim injunction. Thus, no interference by this Court while exercising revisional jurisdiction is called for.

Finding no merit in the revision petition, the same stands dismissed.

30.10.2019
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No