

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

120)

CR no.625 of 2020

Date of Decision: 29.01.2020

Darbara

...Petitioner

Versus

Pala Ram and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Ravi Dutt Sharma, Advocate, for the petitioner.

Amol Rattan Singh, J. (Oral)

By this petition, the petitioner challenges the order of the learned Additional Civil Judge (Sr. Divn.), Guhla, dated December 20, 2019, to the extent that while dismissing the application filed by the petitioner (plaintiff) seeking an early hearing in the suit instituted by him, observations even on the merits of the suit have been made by that court.

It is seen from the impugned order that the application filed for early hearing has been dismissed with only one reason cited, that being that defendants no.4 and 5 had already transferred the electricity connection in the name of one Moman Ram Baru. Thereafter the contention of those defendants have been noticed, with the trial court holding that the plaintiff cannot claim it as a matter of right that defendants no.4 and 5 be restrained from transferring the electricity connection in favour of any person and that it is within the domain of the said defendants to transfer that electricity connection in favour of their consumers or their LRs.

That being so, this petition is disposed of with a direction to the trial court that the observations made by it as regards the right of defendants

no.4 and 5 to transfer the electricity connection to any person of their choice shall be totally ignored by that court while coming to a decision in the suit of the plaintiff, by which he seeks a decree of permanent injunction against the transfer of the electricity connection in favour of defendants no.1 to 3.

Naturally, any such right available to the petitioner-plaintiff would be seen wholly on the basis of the evidence led before that court and not on the basis of the observations made in the impugned order.

29.01.2020
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No