

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

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CR No.2439 of 2020

Decided on : 10.11.2020

Baljora

... Petitioner

Versus

Sub Divisional Officer, UHBVNL Assandh, District Karnal

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

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

Mr. B.R. Mahajan, Advocate General Haryana with
Mr. Rajesh Gaur, Addl. AG, Haryana.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The present revision filed under Article 227 is directed against the order dated 12.10.2020 (Annexure P-3), whereby the Trial Court had declined to grant ad-interim injunction at the initial stage, since the defendant had yet to submit the written statement and reply to the injunction application.

The Trial Court has come to the erroneous conclusion that the submissions made on behalf of either of the parties is to be ascertained only when the evidence has been led, as the plaintiff is one of the co-owner in Khewat No.264 and had applied for the electricity connection. It has been observed that no document had been produced on record to establish that he had applied for electricity connection for Khewat No.278.

The said order had been passed on the ground taken in the plaint that there was an oral exchange with one Subhash and plaintiff is one of the co-owners. Resultantly, the relief is sought for restraining the defendants from disconnecting electricity connection, as given in para No.5 of the plaint.

Counsel for the petitioner has vehemently submitted that now the case has been adjourned to 22.01.2021.

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Mr. Mahajan has submitted that on account of the non-appearance the matter has been adjourned.

This Court had directed a status report to be filed, vide order dated 02.11.2020, but none has been filed by the respondent.

Counsel for the petitioner has, thus, rightly submitted that the balance of convenience primarily is in favour of the petitioner as an electricity connection was for running a tubewell. It is submitted that the wheat crop is to be sown and an irreparable loss and injury would be caused to the petitioner if the electricity connection remains disconnected.

Mr. Mahajan, on the other hand has submitted that the written statement and the reply to the injunction application will be filed within two weeks and the application can be finally decided by the Court.

In such circumstances, this Court is of the opinion that the relief sought by the plaintiff/petitioner is liable to be granted, in the meantime. Accordingly, the respondent shall restore the electricity connection of the petitioner/plaintiff till 31.12.2020. The respondent shall also file the written statement and reply to the injunction application within two weeks. The Trial Court shall prepone the hearing of the case and take up the injunction application and decide the same before 31.12.2020. It is made clear that the respondent will follow the final order passed by the Trial Court, thereafter.

The civil revision stands disposed off in the above said terms.

NOVEMBER 10, 2020

Naveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No