

113 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2719-2020(O&M)

Date of decision: 23.12.2020

Dharampal

.....Petitioner

Versus

DHBVNL and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Vikas Lochab, Advocate for the petitioner

ANIL KSHETARPAL, J. (ORAL)

The plaintiff-petitioner has filed this revision petition under Article 227 of the Constitution of India seeking to set aside the order passed by the learned Trial Court as well as First Appellate Court, dismissing his application under Order 39 Rules 1 and 2 read with Section 151 CPC.

Both the Courts, on appreciation of the material available on the file, have concurrently recorded that the plaintiff is not entitled to temporary injunction as he has failed to make out a prima facie case in his favour. The Courts have also found that the balance of convenience is also not in favour of the plaintiff.

This Court has heard learned counsel for the petitioner at some length and with his able assistance, perused the paper book. No doubt, an electric connection of a tubewell has been ordered to be disconnected. However, prima facie, it is not disconnected, without any reason. Learned First Appellate Court, in para 14, has recorded as under:-

“14. A perusal of the lower court record reveals that plaintiff had obtained electricity connection on the basis of writing dated 13.8.2011 in mustil/killla no.37//7/2 (0-2). So

far as revenue record is concerned, till today plaintiff/appellant is not owner of the land land comprised in mustil/killla no.37//7/2(0-2). Photocopy of alleged writing dated 13.8.2011 is also available on the file. A perusal of the same reveals that it is a hand written document on plain paper. It is mentioned in writing that Ghisa Ram had given two marla land out of mustil/killla no.37//7/2(0-2) for installation of a new bore and from 13.8.2011 Ghisa Ram will have no right or concern with the two marla land alongwith its electricity connection etc. In the considered opinion of this court two marla land cannot be transferred/alienated on the basis of this writing. Further more, perusal of the record reveals that there is service connection order dated 18.12.2013. A perusal of the same reveals that electricity connection was revived on the same bore and the same place. The old connection of plaintiff/appellant was not in killa no. 37//7/2(0-2). There is no evidence available on the fie to prove that originally the electricity connection no. KA53-2163 was obtained from electricity department on mustil/killla no. 37//7/2(0-2). In the written statement filed by defendants no.1 to 3 they have taken specific stand that electricity connection was never given on mustil/killla no. 37//7/2(0-2). In the considered opinion of this Court learned lower court has rightly dismissed the interim injunction application under order 39 rule 1 and 2 read with section 151 CPC by observing that plaintiff / appellant is not entitled for discretionary relief of injunction.”

Keeping in view the aforesaid facts, this Court is of the considered view that there is no scope for interference in exercise of jurisdiction under Article 227 of the Constitution of India. However, since the dispute is with regard to an electric connection of a tubewell, which may be very important for a farmer who wishes to irrigate his fields, the Trial Court is directed to decide the suit expeditiously and on priority.

Disposed of.

23.12.2020

rekha

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No

(ANIL KSHETARPAL)
JUDGE