

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

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**Civil Revision No.1242 of 2021 (O&M)
Date of Decision: July 02, 2021**

Satyawan and another

.....Petitioners.

VERSUS

Nafe Singh and another

.....Respondents.

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

Present: Ms. Sonia G. Singh Samber, Advocate
for the petitioners.

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

G.S. SANDHAWALIA, J. (Oral)

Present civil revision has been filed under Article 227 of Constitution of India for setting aside order dated 27.05.2021 (Annexure P-5) passed by learned Additional Civil Judge (Senior Division), Assandh, whereby the petitioners/defendants have been restrained from preventing the respondents/plaintiffs from using the tube-well connection.

It is contended by counsel for the petitioners that the trial Court vide impugned order dated 27.05.2021, has granted the ad-interim injunction without giving any opportunity of hearing to the petitioners/defendants to submit written statement and reply. She submits that there is concealment of facts at the instance of respondents/plaintiffs, in as much as one of the plaintiffs namely Nafe Singh had earlier filed civil

connection bearing account No.WA13-1104-P. In the said suit, no stay was granted and thereafter, the present suit bearing No. 234 of 07.05.2021 has been filed. In such circumstances, the order of the trial Court is challenged.

Perusal of the impugned order goes on to show that ad-interim injunction has been granted and the case is fixed for 19.10.2021 for filing vakalatnama, written statement and reply to injunction application.

Admittedly, the parties are as such closely related being brothers and it is the case of the petitioners that in the earlier civil suit, defence has been taken that separate tube-wells will be installed by the three brothers and the plaintiffs were also found committing theft of electricity etc.

Keeping in view the fact that the matter is still pending before the civil Court and pleadings are yet to be completed, this Court does not find it expedient as such to interfere with the ad-interim order passed by the trial Court as the application under Order 39 Rules 1 and 2 CPC is yet to be decided finally.

However, keeping in view the fact that prima facie argument of counsel goes on to show about the concealment of facts, as such, it is open to the petitioners to file appropriate application to the Court concerned to get the hearing preponed in the civil suit. After completing the pleadings, it is expected that the civil Court shall take affirmative action on the preponement and then decide the application under Order 39 Rules 1 and 2 CPC in accordance with law.

Keeping in view the fact that final order on the application under Order 39 Rules 1 and 2 CPC is still to be passed, this Court does not

feel it appropriate to issue any notice to the respondents.

The observations, here-in-above, would have no bearings and the civil Court would not be prejudiced while deciding the application on the basis of material placed before it in the form of pleadings.

Revision petition is disposed off in the above terms.

(G. S. SANDHAWALIA)
JUDGE

July 02, 2021
Sachin M.

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>