

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

RSA-4059-2019 (O&M)

Date of decision: 09.03.2022

Piara Singh

.....Appellant

versus

Chhota Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. S.S. Khaira, Advocate
for the appellant.

FATEH DEEP SINGH, J.

Initially, Piara Singh filed against Chhota Singh and others a suit for permanent injunction restraining the defendants for interfering in the peaceful cultivating possession of the suit land illegally and forcibly as well as from interfering in the utilization of the tubewell installed therein bearing account No.AP1023. It is admitted fact as is reflected form the judgments of the two Courts below where throughout, the appellant had been unsuccessful that the property in question is undivided co-sharer joint property and that the tubewell in connection has been installed by the Punjab State Power Corporation Limited (PSPCL)

in the name of Chhota Singh and that on 19.04.2017, Chhota Singh who is defendant No.1 before the Court below, had moved an affidavit for getting the electric connection disconnected which in fact was done on 05.05.2017.

To the specific query of the Court, learned counsel for the appellant could not convince how a relief of permanent injunction still subsists. It has been rightly held so in the impugned findings of the learned District Judge, Mansa dated 08.07.2019 that it is well established that the disputed electric connection was disconnected on 05.05.2017 and the suit has been filed thereafter, on 07.06.2014⁷ and, therefore, at the time of its institution, the relief has ceased to exist and the suit in fact has become infructuous which is upheld.

There being no merit in the instant appeal, the same stands dismissed in limine.

09.03.2022*Neha***(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No