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**131 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CR-2244-2022 (O&M)**

Date of decision: 15.05.2024

Nirmal Singh

...Petitioner

Versus

Punjab State Power Corporation Limited and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Aditya Dassaur, Advocate for the petitioner

Mr. Tushar Madaan, Advocate for respondent
no. 1 to 4Mr. Tanvir Singh Attariwala, Advocate for
respondent no.5**ANIL KSHETARPAL, J (Oral)**

1. This revision petition has been filed by the plaintiff to assail the correctness of the concurrent orders passed by the courts below while refusing to grant temporary injunction in his favour.

2. In order to comprehend the issues involved in the present case, some relevant facts, in brief, are required to be noticed.

3. On 08.07.2019, the petitioner is alleged to have entered into an agreement to sell land measuring 4 kanals on receipt of Rs.5,00,000/- as token money. Subsequently, on 14.08.2020 the petitioner received another sum of Rs.7,00,000/- from the respondent. On 09.06.2020, the petitioner gets his affidavit attested giving no objection if Punjab State Power Corporation Limited (hereinafter referred to as the 'PSPCL') issues electricity connection in favour of the respondent. The suit filed by the respondent for relief of possession by way of specific



performance of the agreement to sell is pending. The petitioner has filed the cross suit for the grant of decree of permanent injunction. The petitioner's application for the grant of temporary injunction has been dismissed by both the courts below.

4. Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

5. Learned counsel representing the petitioner contends that while filing the suit, the plaintiff has claimed the relief of possession. He submits that in the agreement to sell there is no recital with respect to delivery of possession. He submits that if the electricity connection is issued in favour of the respondent, it would create evidence. He submits that the affidavit dated 09.06.2020 is yet to be proved by leading evidence.

6. Learned counsel representing respondent no.5 submits that in the agreement to sell, the plaintiff was allowed to enter the possession. He submits that the respondent has already constructed his house on the disputed land and he wants the electricity connection so as to utilize the house.

7. Learned counsel representing PSPCL submits that respondent no.5 is in possession and the respondent has constructed the house.

8. This Court has considered the submissions made by the learned counsel representing the parties.

9. Though the respondent while filing the suit has claimed the relief of possession, however, from the affidavit of the petitioner dated



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09.06.2020 which has been attested by the Executive Magistrate, it is evident that the petitioner has already given his no objection to issuance of electricity connection. Moreover, the official respondents have also stated that the respondent has already constructed the house.

10. Learned counsel representing the petitioner further submits that in the suit filed for possession, the plaintiff has not claimed that he is in possession.

11. Per contra, the learned counsel representing the private respondents, while filing the written statement in the cross suit, filed by the petitioner, it has been specifically asserted that the possession has already been delivered to the private respondent.

12. In the considered opinion of the Court, there is no substance in this revision petition. Affidavit of the petitioner is sufficient to prima facie prove that the private respondent is in possession and he has made certain construction. Keeping in view the aforesaid facts, no ground to interfere is made out.

13. Hence, dismissed.

14. However, issuance of electricity connection shall be subject to final decision of the case.

15. All the pending miscellaneous applications, if any, are also disposed of.

15.05.2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE