

2024:PHHC:113371



171 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-3903-2024 (O&M)
Decided on:-28.08.2024

Surjeet Kaur and another

....Petitioners..

vs.

Dakshin Haryana Bijli Vitran Nigam and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rajesh Sethi, Advocate with
Ms. Preeti Bansal, Advocate and
Mr. Kushager Goyal, Advocate,
for the petitioners.

HARKESH MANUJA J. (Oral)

1. By way of present revision petition filed under Article 227 of the Constitution of India, challenge has been laid to an order dated 27.05.2024 (Annexure P-5) passed by learned Judicial Magistrate Ist Class-cum-Civil Judge (Junior Division), Sirsa, in an application filed by the petitioners invoking Order 39 Rules 1 & 2 CPC, seeking ad-interim injunction against the defendants and also with further prayer to decide the application under Order 39 Rule 1 & 2 CPC expeditiously.

2. In the present case, suit for permanent injunction restraining the defendants from illegally and forcibly shifting/installing the transformer in front of the northern-eastern gate of the house of the plaintiffs, situated at Village Ahmedpur, Tehsil and District Sirsa, came to be filed at the instance of petitioners/plaintiffs against the respondents-defendants. Along with the

suit, an application under Order 39 Rules 1 and 2 CPC was also filed. Vide order dated 18.05.2024, notice of the suit as well as injunction application was issued for 27.05.2024 and on the said date, respondents-defendants appeared through their counsel and learned trial Court passed the impugned order. The operative part thereof is extracted hereunder:-

“This Court is of the view that the plaintiffs are not entitled the relief restraining the defendants from shifting the transformer for the reasons firstly, that the defendants have placed on record the relevant documents pertaining to the shifting of transformer. Secondly, the shifting/installing the transformer is being done in the interest of public at large. And smooth transmission of electricity is a basic human necessity. Thirdly, as per the Section 20-A of Specific Relief Act, 1963, no injunction can be granted against the infrastructure activity which specifically mentioned electricity transmission.

Adjournment sought for filing written-statement and reply to the stay application. Now case is adjourned to 29.07.2024 for filing written statement and reply to the stay application.”

3. At this stage, without going into the merits qua the challenge made to the impugned order, learned counsel for the petitioners submits that the trial Court may be requested to decide the application for grant of interim injunction in an expeditious manner.

4. In the aforesaid circumstances, considering the fact that the injunction prayer for at the instance of petitioners relates to shifting/installing of transformer in front of the gate of house belonging to the petitioners/plaintiffs, this petition is disposed of with a request of learned trial Court to decide the application dated 18.05.2024 (Annexure P-4) in an expeditious manner, either on the date fixed or within a period of four (04)

weeks thereafter being uninfluenced with the observations made in the impugned order dated 27.05.2024.

5. The present petition is being disposed of without issuing notice to the respondents, as the same would further delay the proceedings, besides burdening them with unnecessary costs of litigation.

28.08.2024
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/ No