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

CR-300-2025

Date of decision:-18.01.2025

Singh Ram

...Petitioner

Versus

Pal Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr. Chetan Kapoor, Advocate
for the petitioner (THROUGH V.C.).

SUVIR SEHGAL, J.(ORAL)

1. Petitioner – plaintiff is in this revision petition before this Court assailing orders passed by both the Courts below whereby an application filed by him under Order 39 Rules 1 & 2 CPC has been declined.

2. Counsel for the petitioner urges that the dispute is regarding a tubewell connection, which was initially installed in land bearing Khewat No.129 from where it was illegally shifted to Khewat No.127. He submits that the tubewell is the only source of irrigation of the petitioner's land in Khewat No.129, which was jointly owned with respondent No.1. He asserts that as the shifting has been illegally done, respondent No.1 be restrained from utilising the tubewell connection.

3. I have heard counsel for the petitioner and considered his



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submissions.

4. Petitioner filed a suit for mandatory and permanent injunction pleading that the land in Khewat No.128 and 129 belonged to his father Sadhu Ram and after his death in 1995, it was inherited by the legal heirs including respondent No.1. It was averred that the land was being irrigated by a tubewell, which was installed in Khewat No.129, but in connivance with the officials of the electricity board, respondent No.1 succeeded in shifting the tubewell to Khewat No.127. Petitioner could not dispute that he does not own nor is he a share holder in Khewat No.127 where the tubewell connection is currently installed. The petitioner does not have any right to get an order of restraint against respondent No.1 from operating the tubewell connection in the khewat number where it is currently installed. As to whether the electricity connection has been shifted legally or otherwise, this aspect would be adjudicated by the Trial Court during the course of the trial, on the basis of evidence led by the parties. Petitioner has not been able to make out a prima facie case and the balance of convenience is also not in his favour. Prayer for injunction has been rightly declined by both the Courts.

5. Finding no merit in the petition, it is hereby dismissed with no order as to costs.

18.01.2025
Brij

(SUVIR SEHGAL)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No