



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

345

CR-3950-2024**Date of decision : 19.11.2025****Sanjeev Kumar****..... Petitioner****versus****Valiyati Ram and others****..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Arvinder Arora, Advocate
for the petitioner.

Mr. Rakesh Bakshi, Advocate
for the respondents.

PANKAJ JAIN, J. (Oral)

1. Challenge is to the order dated 18.03.2024 passed by Civil Judge (Junior Division), Naraingarh whereby application filed by the petitioner seeking police help to enforce order dated 22.08.2023 passed by Trial Court in an application filed under Order XXXIX Rule 1 and 2 in favour of the petitioner stands rejected.

2. In a suit filed by the plaintiff-petitioner an application was moved under Order XXXIX Rule 1 and 2 seeking interim relief with respect to use of tubewell to irrigate the land of the plaintiff. Vide order 22.08.2023, Trial Court allowed the plaintiff to use the tubewell twice in 15 days to irrigate their land. Defendant is stated to have challenged the said order in appeal. There is no stay on the operation of the stay order.

3. Present application was moved by the plaintiff seeking police help to enforce the said order. The same has been disallowed by



the Trial Court holding that the order of injunction is a restrain order, whereby defendants have been ordered to not interfere in the use of tubewell by plaintiff twice in 15 days.

4. During the course of argument, counsel for the respondent claims that there is no disobedience of the order passed by the Trial Court dated 22.08.2023 even though the same is subject matter of appeal filed by the defendant.

5. In view of statement made by counsel for the respondent-defendant, this Court deems it appropriate to dispose off the present revision petition by observing that the defendant-respondent shall remain bound by statement by their counsel and shall not interfere in the use of tubewell by the plaintiff twice in 15 days as ordered on 22.08.2023. The plaintiff shall be entitled to use the tubewell on every Wednesday and the defendants shall not interfere in the user thereof.

6. In case the defendants violate their undertaking given before this Court through their counsel, they shall be liable to be proceeded against under the Contempt of Courts Act, 1970. It is made clear that the aforesaid directions are being issued for implementation of order dated 22.08.2023. In case the said order is altered or reversed in appeal, the order, succeeding order dated 22.08.2023 shall govern the rights of the parties.

7. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

19.11.2025

Dinesh

Whether speaking/reasoned :

Yes

Whether Reportable :

No