



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

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**CR-1017-2022 (O&M)
Date of decision : 02.02.2026**

Satyawan**..... Petitioner**

versus

Balbir and others**..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Vijay Sharma, Advocate
for the petitioner.

Mr. Tapan Kumar Yadav, Advocate
for respondents No.1 and 2.

Mr. Madhur Singh, Advocate
for respondents No.3 and 4.

PANKAJ JAIN, J. (Oral)

1. Challenge is to the order dated 20.01.2022 passed by the Additional District Judge, Narnaul, whereby application filed by the plaintiff under Order XXXIX Rule 1 & 2 CPC seeking temporary injunction against defendant No.1 from interfering in his peaceful use of the pumping set installed over a joint well for the purpose of irrigating the land, has been allowed observing as under:-

“xx xx xx

18. However, the plaintiffs are directed to pay 1/2 share of electricity and maintenance charges of the disputed connection and pumping set without any fault till disposal of the suit or partition of the joint property by metes and bounds through procedure established by law whichever is earlier, in which disputed pumping set and its connection is in existence. Memo of costs be prepared accordingly. Trial court record be sent back alongwith a copy of this judgment. Appeal file be



consigned to record room after due compliance.”

2. Mr. Sharma, counsel for the petitioner has drawn attention of this Court to the copy of register of mutation appended to the revision petition as Annexure P-4 to submit that Mahabir and Ram sons of Leela the co-sharers have already partitioned the property. The joint property was partitioned by the order passed by AC, 1st Grade, Ateli vide order 30.05.2001 and even the separate khewats were carved out, as is evident from jamabandis for the year 2006-17 appended to the revision petition as Annexure P-3. He submits that the observation made by the Lower Appellate Court granting injunction in favour of the plaintiff till the joint property is partitioned by metes and bounds, cannot be sustained in view of the fact that the property already stands partitioned. He submits that the Courts below have misconstrued the issue as if the petitioner is interfering in user of the well by the plaintiffs. The objection is to the use of pump set and the electricity connection which was in the name of predecessor-in-interest of the present petitioner namely Raja Ram. He submits that the plaintiffs in their plaint have asserted their claim over the pump set claiming that the same was installed by joint funds. The same being matter of evidence, is yet to be proved, thus, the Appellate Court erred in granting injunction in favour of the plaintiff.

3. *Per contra*, Mr. Yadav would submit that undisputedly the land was partitioned, yet the well in question remained unpartitioned as evident from Annexure P-4. The same remained unpartitioned for the reason that both the parties have contributed for installation thereof.

Thus, the Lower Appellate Court has rightly injuncted the defendants



from interfering in the user of the electricity connection by the plaintiff.

4. I have heard counsel for the parties and have carefully gone through the records of the case.

5. Without going into the merits of the case, this Court finds that the co-sharers even though partitioned the land, but kept the well joint and the same since then is being used for irrigating both parcels of land. It being the admitted case that the well is still joint, plaintiffs have proved *prima facie* case in their favour. That apart if the injunction is not granted at this stage, the same would lead to a situation wherein the parcel that fell to the share of plaintiffs is rendered unirrigatged and consequently uncultivable. Thus, balance of convenience lies in favour of the plaintiffs.

6. The other situation is that the plaintiffs are forced to get a separate electric connection that could lead to rendering the present suit infructuous which would cause irreparable loss to the plaintiffs. In these circumstances, this Court finds that no fault can be found with the order passed by Appellate Court granting injunction in favour of the plaintiffs.

7. Needless to say, nothing observed herein shall be construed as an expression of the merits of the case. The same shall be decided by the Courts in accordance with law and as per the evidence brought on record by the parties.

8. Disposed off, accordingly.

(PANKAJ JAIN)
JUDGE

02.02.2026

Dinesh

Whether speaking/reasoned :
Whether Reportable :

Yes
No