



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

119**CR-2689-2026****Date of decision:01.04.2026**

HARLEEN KAUR @ VEERI AND OTHERS

...PETITIONERS

VERSUS

ISHWAR CHAND

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Jaskamal Singh Grewal, Advocate
for petitioner.

PARMOD GOYAL, J. (ORAL)

Present civil revision under Article 227 of the Constitution of India has been preferred by petitioners for setting aside the order dated 18.11.2025 passed by learned Additional District Judge, Fatehgarh Sahib, whereby the appeal filed by respondent against dismissal of his application under Order XXXIX Rules 1 and 2 of Code of Civil Procedure, 1908 ('CPC') read with Section 151 of CPC was allowed.

2. Case of respondent was that property owned by him and petitioners was joint property and an electric motor of 7.5 BHP bearing account No.K56-AP/43 is in existence in the name of Smt. Seeto wife of Paras Ram. After death of Smt. Seeto, the property was inherited by her legal heirs including Sant Ram. Respondent had purchased part of suit property from Sant Ram which is part of joint land vide registered sale deed and thereafter respondent is using joint electric motor connection for purposes of irrigation as per his turn without any kind of interference from anybody. It was asserted that there is no other source for irrigation of land

and accordingly, respondent filed an application under Order XXXIX Rules 1 and 2 of Code of Civil Procedure, 1908 seeking temporary injunction against petitioners for not interfering into peaceful enjoyment of electric motor.

3. However, said application preferred by respondent was dismissed by learned Civil Judge (Senior Division), Fatehgarh Sahib concluding that there is no right to use electric motor as no such right is mentioned in the sale deed and therefore there is no *prima facie* case as well as balance of convenience lies in favour of petitioners-defendants.

4. Order dated 31.05.2023 (Annexure P-4) passed by learned Civil Judge (Junior Division) Fatehgarh Sahib, whereby application preferred by respondent under Order XXXIX Rule 1 of CPC read with Section 151 of CPC was dismissed, was challenged by respondent by way of first appeal which was allowed by learned First Appellate Court vide impugned order dated 18.11.2025 by concluding that the land purchased by Sant Ram is still joint, therefore the tubewell connection in the name of Smt. Seeto, which was being used for irrigating land, would remain joint and respondent cannot be denied the right to use said tubewell for irrigation purposes till the partition is effected between the parties and their respective rights are determined as per partition.

5. Learned counsel for petitioner has argued that by taking benefit of impugned order dated 18.11.2025 as well as prior to passing of order, respondent was not allowing petitioners to use the electric motor and FIR No.95 dated 11.11.2019 under Section 323, 325, 341, 506, 148, 149 of IPC was duly registered against the respondent. It is also asserted that even

recently, respondent has resorted to violence and due report was made to police and the nature of violence is depicted by photographs (Annexure P-7).

6. Perusal of impugned order dated 18.11.2025, makes it clear that injunction has not been granted as against use of petitioners. Rather the prayer of respondent was simple that he be allowed to use joint motor as per his turn to irrigate his land and has not prayed for injunction that petitioners be restrained from using motor by them qua the land falling to their share. Impugned order clearly depicts that it has given rights to respondent, as per his turn, to use electric motor along with other co-sharers. Electric tubewell connection has rightly been held by learned First Appellate Court to be joint in nature with right of each co-sharer to use the same as per their turn.

7. Accordingly, no interference is warranted with impugned order and same is upheld. Present civil revision is dismissed.

8. Petitioners shall be free to move appropriate application before the learned Court of First Instance for sharing electricity bill with respondent in accordance with law.

9. Pending application(s), if any, stand disposed of.

(PARMOD GOYAL)
JUDGE

01.04.2026
Sunil Chander

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>