

2026:PHHC:079313



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

114

CR-3220-2024

Date of decision :20.05.2026

MEHAL SINGH

... PETITIONER

VERSUS

GURJIT SINGH AULAKH AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. P.S. Jammu, Advocate
for the petitioner.

PARMOD GOYAL, J. (ORAL)

1. The present revision petition has been preferred by the petitioner under Article 227 of the Constitution of India for setting aside of the impugned order dated 01.09.2023 (Annexure P-1) passed by the learned Civil Judge (Senior Division), Moga, whereby the application under Order XXXIX Rules 1 and 2 CPC, 1908 preferred by respondents-plaintiffs for issuance of ad-interim injunction was partly allowed and the petitioner-defendant was restrained from interfering in the use of electric motor connection/tubewell bearing old No. C-3/444 and new No. AP15-0444-H till the final disposal of the suit. Petitioner-defendant is also challenging the impugned order dated 23.02.2024 (Annexure P-3) passed by the learned Additional District Judge, Moga, whereby the appeal preferred by the respondents-plaintiffs was allowed whereas the appeal preferred by the petitioner-defendant was dismissed vide which petitioner-defendant was further restrained from transferring the tubewell/electricity connection in the

name of some other person or from shifting the place of connection from its existing location.

2. Learned counsel for the petitioner-defendant has argued that both the Courts below have erred in granting injunction in favour of respondents-plaintiffs, as they are not the original co-sharer with the petitioner-defendant. It was asserted that the respondents-plaintiffs had purchased the suit land from the brother of the present petitioner-defendant.

3. On consideration, I do not find any merit in the present revision petition. Admittedly, the suit property is still joint property. The suit property was jointly owned by the petitioner-defendant and his brother, who had sold his share to the respondents-plaintiffs. After the purchase of the property from the brother of the defendant, the plaintiffs had stepped into his shoes and became co-sharers with the petitioner-defendant. Since the electricity/tubewell connection was meant for the joint land and was being jointly used by all the co-sharers, the right of the respondents-plaintiffs to use the tubewell on the joint land cannot be taken away by the petitioner-defendant through his unilateral action of shifting the tubewell from its existing place to some other place and by denying irrigation to the respondents-plaintiffs from the said tubewell. The land is still joint and has not yet been partitioned. Therefore, the order passed by the learned Appellate Court cannot be held to be erroneous or perverse.

4. The argument raised on behalf of the petitioner-defendant that since the tubewell connection had already been shifted prior to the filing of the suit, no restraint order regarding shifting of the tubewell connection could have been granted by the learned Appellate Court, is devoid of merit. An injunction, whether mandatory, prohibitory, or directory in nature, can be granted by the

Courts below in order to do complete justice between the parties. In the present case, the injunction granted by the learned Appellate Court is in the nature of a mandatory/temporary injunction. The same does not warrant interference, as all the three essential ingredients for grant of injunction, namely, prima facie case, balance of convenience, and irreparable loss and injury, stand duly satisfied.

5. Accordingly, I do not find any merit in the present revision petition and the same is hereby dismissed.
6. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

20.05.2026
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No