

11. The parties are directed to suffer their respective costs.

*Appeal allowed accordingly*

2005(1) CIVIL COURT CASES 748 (P&H)

PUNJAB & HARYANA HIGH COURT

M.M.KUMAR, J.

Civil Revision No.5705 of 2004, D/29.11.2004.

Ajit Singh

Vs

Tarsem Singh & Ors.

**Civil Procedure Code, 1908, O.39.Rr.1,2 — Interim injunction - Restraining defendant from interfering in joint use of electric motor connection - In revenue record plaintiff shown to be owner in possession where electric motor is installed - Held, grant of injunction restraining other co-owners from interfering with the joint use of electric motor connection is proper and calls for no interference. (Para 2)**

*Cases referred:*

2002(1) SCC 319 (Para 2); 1999(1) Civil Court Cases 392 (S.C.) (Para 2).

*Counsels:*

Ms. Balvinder Kaur, for the Petitioner.

### ORDER

**M.M.Kumar, J.** - This petition filed under Article 227 of the Constitution prays for quashing order dated 9.10.2004 passed by the District Judge, Kapurthala upholding order dated 22.3.2004 of the Additional Civil Judge (Sr. Division), Kapurthala. Both the Courts below have granted ad interim injunction in favour of the plaintiff-respondents restraining the defendant-petitioner from interfering with the joint use of electric motor connection in dispute as per details given in head note of the plaint till final decision of the suit. The basis of the aforementioned ad interim order of injunction is that in the copy of jamabandi for the year 1996-97 plaintiff-respondent 1 has been shown to be owner in possession of Khasra No.48/17/1 measuring 3 kanals 9 marlas. In column No.9 of the aforementioned revenue record pertaining to the year 1996-97 there is an entry of gair mumkin motor. The trial Court found a prima facie case in favour of the plaintiff-respondent and further held that he would suffer an irreparable loss in case the injunction is refused. It was further found that balance of convenience was also in favor of the plaintiff-respondent 1. The aforementioned order has been upheld by the learned District Judge.

2. After hearing the learned counsel at a considerable length, I am of the considered view that there is no inconsistency between the observations made by the learned District Judge in paragraph 9 of the order and the report of Tehsildar, Kapurthala dated 6.9.2004 (Annexure P-3). In its report the Tehsildar has come to the conclusion that plaintiff-respondent 1 is owner of land comprised in Khasra No.48/17/1 (3-15) and 7.5 H.P. motor which is installed there in the name of plaintiff-respondent 1. Even otherwise, I do not find any manifest injustice caused to the defendant-petitioner warranting interference of this Court in exercise of jurisdiction under Article 227 of the Constitution. Reliance in this regard could be placed on the judgments of the Supreme Court in the case of Ouseph Mathus V. M.Abdul Khadir, 2002(1) SCC 319 and Virendra Kashinath Ravat and another V. Vinayak N.Joshi and others, 1999(1) Civil Court Cases 392 (S.C.); 1999(1) SCC 47. Therefore, there is no merit in the instant petition and the same is liable to be dismissed.