

(2013) 10 P&H CK 0342

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Revision No. 4234 of 2013 (O and M)

Ranjit Kaur

APPELLANT

Vs

Dharamdev and Another

RESPONDENT

Date of Decision: Oct. 8, 2013

Hon'ble Judges: L.N. Mittal, J

Bench: Single Bench

Advocate: J.S. Bhinder, for the Appellant;

Final Decision: Dismissed

Judgement

L.N. Mittal, J.

CM No. 15114. CII of 2013

1. The application is allowed and Annexure P/1 and P/2 are taken on record subject to all just exceptions.

CR No. 4234 of 2013

Plaintiff Ranjit Kaur has filed this revision petition under Article 227 of the Constitution of India impugning order dated 24.8.2012 Annexure P/1 passed by the trial court and judgment dated 8.2.2013 Annexure P/2 passed by the lower appellate court thereby dismissing plaintiff's application for temporary injunction.

2. Case of the plaintiff-petitioner is that she has purchased share in the suit land as well as in disputed electric motor connection existing therein. Defendant no. 1 co-sharer in collusion with defendant no. 2-Power Corporation threatened to transfer the said connection in the name of some other person without any right to do so. Plaintiff sought permanent injunction restraining the defendants from doing so. Plaintiff also claimed temporary injunction to the same effect during the pendency of the suit.

3. Defendants by filing separate replies resisted the application for temporary injunction and controverted the averments made therein. It was pleaded that plaintiff has no concern with the disputed electric motor connection.

4. I have heard counsel for the petitioner and perused the case file.

5. Counsel for the petitioner contended that the plaintiff-petitioner has purchased share in the suit land alongwith share in the disputed connection from other co-sharers Meena Devi and Mohan Lal and therefore, plaintiff has share in the disputed connection also. The contention cannot be accepted because admittedly in the sale deed vide which the plaintiff purchased share in the suit land, no right in the disputed electric connection was given or sold to the plaintiff vendee and consequently plaintiff's own sale deed demolishes her entire case. The plaintiff-petitioner prima facie has no right, title or interest in the disputed connection. Consequently, application for temporary injunction filed by the petitioner has been rightly dismissed by the courts below because she has failed to make out the three necessary ingredients of prima facie case, balance of convenience and irreparable loss and injury for the grant of temporary injunction. In view of the aforesaid, I find that there is no perversity, illegality or jurisdiction error in impugned orders of the courts below so as to call for interference by this Court in exercise of power of superintendence under Article 227 of the Constitution of India. The revision petition is devoid of merits and is accordingly dismissed in limine. However, nothing observed hereinbefore shall be construed as expression of opinion on merits of the suit.