

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****125****CR-2888-2025(O&M)****Date of decision: 13.05.2025****Poonam Pahwa****...Petitioner(s)****Vs.****Ravi Pahwa & Another****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Munish Gulati, Advocate
for the petitioner.

NIDHI GUPTA, J.

Present Revision Petition has been filed by the defendant under Article 227 of the Constitution of India for setting aside order dated 08.04.2025 passed by learned Civil Judge (Junior Division), Rajpura in case bearing CS/01/2024 dated 30.08.2024 titled as "Ravi Pahwa Vs. Seema Bansal & Another" pending for 10.07.2025, whereby application for directing the plaintiff/respondent to restart the water supply of the defendant and further not to stop the water supply of the defendant, is dismissed.

2. Learned counsel for the petitioner inter alia submits that the learned trial Court was in patent error in dismissing the application of the petitioner as it is proven on record that the petitioner and the respondent/plaintiff are occupying the same premises. It is stated that the



respondent is occupying one part of the suit premises whereas the petitioner occupies the other. The suit premises is serviced by one water connection. However, the respondent has disconnected the water connection of the portion which is occupied by the petitioner. It is submitted that this is illegal and against the fundamental right of the petitioner. However, the learned trial Court has failed to appreciate these facts. Learned counsel accordingly prays that the impugned order be set aside and direction be issued to the respondent to restart the water supply of the petitioner.

3. No other argument is made on behalf of the petitioner.
4. I have heard learned counsel for the petitioner and perused the case file in great detail.
5. A perusal of the record shows that the petitioner and the plaintiff/respondent No.1 herein are real brother and sister. The respondent No.1 has filed suit dated 30.08.2024 (Annexure P1) for declaration that he is owner in possession of the house No.2072 on basis of registered Will dated 172 dated 24.08.2011 executed by father of the parties namely Suresh Kumar; and further for permanent injunction restraining the petitioner from dispossessing the plaintiff. The petitioner has filed a counterclaim dated 30.09.2024 (Annexure P2) against the respondent in which the plaintiff has suffered a statement dated



22.10.2024 (Annexure P4) that he would not raise construction over suit property till decision of application under Order 39 Rule 1 and 2 CPC.

6. It is the allegation of the petitioner that on 10.03.2025, the respondent has stopped water supply in the portion of the suit property where she is running a skin and hair clinic. Accordingly, the petitioner had filed the present application dated 24.03.2025 (Annexure P5) which has been dismissed by the learned trial Court vide impugned order dated 08.04.2025.

7. Although it has been contended by learned counsel for the petitioner that the petitioner and the plaintiff occupy the same premises, however, perusal of the Memo of Parties of the present Revision Petition indicates that address of the petitioner is given as *“House No.1979, near CM School, Rajpura Town, Tehsil Rajpura, District Patiala”*; whereas address of respondent/plaintiff is given as *“House No.2072/2, Gandhi Market, Rajpura Town, Tehsil Rajpura, District Patiala.”*

8. In any event, the prayer of the petitioner cannot be granted as the same is beyond the pleadings, and issues in the suit. Even in the counterclaim, the petitioner has made no mention of any water supply; let alone claimed any relief regarding water supply. Further, in the reply (Annexure P-6), filed by the respondent to the present application of the petitioner, it was specifically stated therein that:-



“3...there was no water supply connected/ issued at any point of time from the suit property of plaintiff to the defendants then question of water supply shut/stop by the plaintiff does not arise at all...When water supply is not matter in dispute and there was no water supply connected to defendants at any point of time then question of stop water supply does not arise and question of re-start the water supply of defendants does not arise...when no water supply ever connected to the defendants from the suit property then question of stop the water supply or to re-start the water supply does not arise at all...”

9. It is also to be noted that no details such as the water connection number or bills or any such detail have been given by the petitioner either in her application (Annexure P5) or even in the present petition. All that has been baldly stated is that the respondent has stopped the supply of water of the petitioner. In any event, as already noted above, prayer of the petitioner is beyond the pleadings and even beyond the counter-claim filed by the petitioner herself. No relief regarding supply of water has been sought by the petitioner.

10. Thus, in view of the categoric assertion of the plaintiff that no water supply is connected, learned trial Court has correctly observed that *“...interim relief can only be granted in the aid of and as ancillary to the main relief available to the party on final determination of his rights in a suit or any other proceeding. Vide, the present application,*



the applicants/defendants are seeking directions to the respondent/plaintiff for restarting the water supply which is not at all in issue in the present suit..”

11. In view of the above, present petition is **dismissed**.
12. Pending application(s) if any also stand(s) disposed of.

13.05.2025

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No