

CR No.8106 of 2014 (O&M)

[1]

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

**CR No.8106 of 2014 (O&M)
Date of decision:05.02.2015**

Chuhar Singh

...Petitioner

Versus

Punjab State Power Corporation Ltd. and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Sanjay Gupta, Advocate,
for the petitioner.

Mr. Vishnu Gandhi, Advocate,
for respondents no.1 to 3.

Mr. Sarju Puri, Advocate,
for respondent no.4.

Rakesh Kumar Jain, J.

The petitioner is aggrieved against the order dated 13.10.2014 by which the application filed by Joginder Singh S/o Dewan Singh (respondent no.4 herein) under Order 1 Rule 10 of the Code of Civil Procedure, 1908 to become a party in the suit has been allowed.

At the time of notice of motion, the following order was passed by this Court:-

“This petition is filed by the plaintiff, who has filed suit for mandatory injunction directing the defendants to restore the electric supply to his motor bearing Connection No.AP-40/566, by erecting a pole. Respondent No.4 filed an application under Order 1

Rule 10 of the CPC to become a party. He had earlier filed a suit for permanent injunction in order to restrain the petitioner as well as respondents No.1 to 3 from erecting a pole in his field for the purpose of providing electric connection to the motor of the petitioner. The said suit was decreed on the statement made by the petitioner and respondents No.1 to 3 that they would not erect any electric pole in the field of respondent No.4. However, the application under Order 1 Rule 10 of the CPC has been filed by respondent No.4 being apprehensive that the pole may not be again erected in his field by providing electric connection to the motor of the petitioner.

Learned counsel for the petitioner submits that the presence of respondent No.4 is not at all necessary in this suit because the pole will not be erected in his field at any cost.

Notice of motion for 18.12.2014.

Dasti also. “

Thereafter, counsel for respondents no.1 to 3 and 4 have put in appearance and submitted that the petitioner has not come to this Court with clean hands as he is asking for installation of the electricity pole in the land of respondent no.4.

I have heard learned counsel for the parties and perused the

CR No.8106 of 2014 (O&M)

[3]

record.

At the first blush, the argument raised by learned counsel for the petitioner appears to be attractive as he has argued that respondent no.4 would not be a necessary party because pole would not be erected in his fields but after perusal of the site plan produced by respondents no.1 to 3 and also by respondent no.4, it appears that presence of respondent no.4 is very much necessary in this case as held by the Court below.

In view of the above, I do not find any merit in the present revision petition and hence, the same is hereby dismissed.

February 05, 2014
vinod*

(Rakesh Kumar Jain)
Judge