

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

CR No.1199 of 2015 (O&M)

Date of decision: 09.05.2016

Lalit Kumar Jindal

....Petitioner

Versus

The Executive Engineer and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. N.D. Achint, Advocate for the petitioner.

Mr. R. K. Aggarwal, Advocate for respondents No.1 and 2.

Mr. Sudhir Aggarwal, Advocate for respondent No.3.

REKHA MITTAL J. (Oral)

The present petition has been directed against order dated 26.11.2014 passed by the Civil Judge (Junior Division), Sohna, allowing application of Sohna Rocky Relaters Private Limited-respondent No.3 under Order 1 Rule 10 of the Code of Civil Procedure (in short 'CPC') for impleading the applicant as defendant in the suit.

The learned trial Court after seeking reply of the defendant already on record and hearing counsel for the parties, allowed the application in view of its observations recorded in Para 5 of the impugned order and a relevant extract therefrom reads as follows:-

“From the pleadings of the plaintiff and present defendants, it is crystal clear that the interest of the applicant are involved in the present suit as the shifting of 33 KV overhead line to underground XLPE S/C 630 MM cable 33KV line was being undertaken by the defendants on the application of the applicant under self execution

scheme. The applicant has made the necessary payments for the same. Therefore, in my considered opinion, the applicant is necessary party to the present adjudication and further no prejudice is likely to be caused to the plaintiff if the application in hand stands allowed. Resultantly, the application, under consideration, stands allowed accordingly. No order as to costs. Now the case is adjourned to 3.12.2014 for filing of amended title/plaint.”

Keeping in view the observations made by the trial Court in the aforesaid extract, I do not find any error much less illegality in the impugned order warranting intervention.

Dismissed.

(REKHA MITTAL)
JUDGE

09.05.2016
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