

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.3909 of 2015

Date of decision: November 23, 2016

Pawan Kumar & another

...Petitioners

Versus

Rakesh Kumar & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ajay Jain, Advocate for the petitioners.
Mr. G.S. Chinna, Advocate for respondent No.1.
Mr. Deepak Sabharwal, Advocate for respondents No.2 & 3.

Rajan Gupta, J.

Present revision petition is directed against the order dated 29.05.2015, passed by the trial court, whereby application filed by the petitioners U/O 1 Rule 10 CPC for impleading them as defendants, has been dismissed.

Learned counsel for the petitioners has assailed the order. He urged that presence of the petitioners before the court is necessary as petitioner No.1 had transferred the suit property in favour of petitioner No.2 and now plaintiff/respondent No.1 wants to grab the same, whose possession over the said property is illegal.

Plea has been opposed by learned counsel appearing for the respondents. Learned counsel for respondent No.1 has submitted that plaintiff/respondent No.1 is a licensee in the property in question and therefore, he is entitled to get electricity connection in the same.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears, plaintiff/respondent No.1 filed a suit for injunction against Dakshin Haryana Bijli Vitran Nigam Limited restraining the department from withholding the fresh new electricity connection to the plaintiff. The plaintiff/respondent No.1 has not claimed any relief against the petitioners. The plea of petitioners that for obtaining electricity connection in the premises in question, consent of owner of the property is required, is not tenable, in view of Section 43 of Indian Electricity Act, 2003, as per which owner or occupier of any premises may apply for electricity connection in the said premises. Admittedly, plaintiff/respondent No.1 is a licensee of the petitioners. Though a plea has been taken that licence of the plaintiff has been revoked by the applicants, but this fact is still to be adjudicated in the suit titled as "Parveen Vs. Pawan Kumar & others", which is still pending. Therefore, it cannot be presumed that the licence of the plaintiff has been revoked and now he is in unlawful occupant in the premises in question. Under the circumstances, it cannot be said that applicants are necessary party to the suit, therefore, the trial court has rightly dismissed their application. There is, thus, no scope for interference in revisional jurisdiction.

Dismissed.

(RAJAN GUPTA)
JUDGE

November 23, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No