

Civil Revision No.5217 of 2016

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In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No.5217 of 2016

Date of Decision: 17.8.2016

Albel Singh and others

--- Petitioners

versus

Dakshin Haryana Bijli Vitran Nigam and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Ajay Kamboj, Advocate
for the petitioners**

Rekha Mittal, J.

The present petition has been directed against order dated 12.5.2016 passed by Civil Judge (Junior Division), Ellenabad, whereby application filed by Hans Raj-respondent No. 4 under Order 1 Rule 10 read with Section 151 of the Code of Civil Procedure (in short "CPC") has been allowed.

Counsel for the petitioners has submitted that as the petitioners

have not claimed any relief against Hans Raj and the petitioners being dominus litis cannot be forced to litigate against a person against whom no relief has been claimed, the trial court has committed a serious error rather illegality in allowing the application filed by respondent No. 4.

I have heard counsel for the petitioners, perused the paper book particularly the order impugned.

Counsel for the petitioners has not disputed that the electricity lines connecting to the premises of the petitioners are crossing over the fields of Hans Raj-respondent No. 4. Petitioners have filed a suit restraining Dakshin Haryana Bijli Vitran Nigam and others from interfering or removing the electric lines existing in Dhani Albel Singh Beharwala Road, Ellenabad. Hans Raj has raised an issue with the higher authorities of the electricity board that the defendant Nigam instead of using the existing line has installed a new electricity line parallel to the old line and the same is liable to be removed, therefore, his presence is necessary for complete and effective adjudication of the matter in controversy. It is also undenied that in case Hans Raj is not impleaded as a party, he would be at liberty to file an independent suit seeking mandatory injunction directing the Dakshin Haryana Bijli Vitran Nigam to remove the electric lines passing overhead

his fields. That being so, I do not find any error much less illegality in the impugned order whereby Hans Raj has been impleaded as a party on the array of defendants as it would facilitate complete and effective adjudication of the matter in controversy and avoid multiplicity of litigation.

Dismissed.

(Rekha Mittal)
Judge

17.8.2016

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No