

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.4395 of 2017 (O&M)
Date of Order: 12.10.2017

Karamjit Kaur @ Shehnaz

..Petitioner

Versus

Punjab State Power Corporation The Mall
Patiala and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sunny K. Singla, Advocate,
for the petitioner.

Mr. D.K.Singla, Advocate,
for respondent no.4.

ANIL KSHETARPAL, J (Oral)

Plaintiff-petitioner is in revision petition against order dated
23.05.2017.

Plaintiff had filed a suit against Punjab State Power Corporation and its officials seeking declaration that communication dated 29.03.2017, with respect to electric connection no.AP 06/1242 is illegal, null and void. Plaintiff had also sought permanent prohibitory injunction against the defendants from illegally and forcibly disconnecting the electric connection.

Respondent no.4-Billu Khan claiming himself to be a co-owner in the land, filed an application for being added as a party. Learned trial Court allowed the application. This order is under challenge before this Court.

I have heard counsel for the parties at length and with their able assistance gone through the documents in the paper book.

It is not in dispute that the plaintiff is a *dominus litis* i.e., master of his own suit. Plaintiff has not claimed any relief against Billu Khan, respondent no.4. The electric connection No.AP 06/1242 is in the name of the plaintiff. The Power Corporation officials are wanting to disconnect the aforesaid connection. Plaintiff has filed a suit challenging the aforesaid connection.

Learned counsel for respondent no.4 has vehemently argued that he was in fact the person on whose complaint, the communication was issued against the plaintiff, therefore, respondent no.4 is a necessary party.

I have considered the submission of learned counsel for respondent no.4.

The present suit is only for declaration and injunction. The declaration and injunction is with respect to electric connection, which is exclusively in the name of the plaintiff. No relief is being sought against respondent no.4. Merely because someone is a co-owner or a person who was instrumental in creating problem would not entitle such co-owner to become party in every litigation which the other co-owner has filed. Once directly or indirectly, no relief has been sought against respondent no.4, respondent no.4 is found to be neither necessary nor proper party.

In these circumstances, the order under challenge is set aside and the application filed by respondent no.4 is dismissed. The revision petition is allowed.

October 12, 2017

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Whether speaking/reasoned

Whether reportable

(ANIL KSHETARPAL)

JUDGE

: Yes/No

: Yes/No