

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of Decision: 21.03.2018

1. C.R. No.1924 of 2018

Mehar Singh & ors.		... Petitioners
	Versus	
Ram Diya & ors.		... Respondents

2. C.R. No.1925 of 2018

Mehar Singh & ors.		... Petitioners
	Versus	
Shyam Lal & ors.		... Respondents

3. C.R. No.1926 of 2018

Mehar Singh & ors.		... Petitioners
	Versus	
Banke Khurana & ors.		... Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ravinder Singh Dhull, Advocate,
for the petitioners.

HARI PAL VERMA, J.(Oral)

Through this common order three civil revision petitions bearing No.1924, 1925, and 1926 of 2018 are being decided as facts of these revision petitions are common. However, for convenience, the facts have been taken from C.R. No.1924 of 2018, titled as 'Mehar Singh & ors. Versus Ram Diya & ors.'.

The petitioners have filed the present revisions under Article 227 of the Constitution of India for setting aside the order dated 07.10.2017 passed by the Civil Judge(Senior Division), Hansi, whereby their application filed under Order 1 Rule 10 CPC read with section 151 CPC for impleading them as a party in the suit, was dismissed.

Briefly stated, respondent No.1-plaintiff had filed a suit for

mandatory and prohibitory injunction with the averments that the plaintiff is being supplied electricity by the defendant-Electricity Board to his tubewell and fields situated at Village Narnaund, District Hisar, from the already installed/existing poles/transformer in his fields for the last many years. Therefore, the defendants have no legal right or authority either to shift the already existing electricity lines/poles or to erect any new lines/poles therein. Prohibitory injunction for restraining the defendants from illegally and forcibly damaging, demolishing the already existing electricity poles/lines in the fields of plaintiff or shifting the same in any manner has also been prayed for.

While the said suit was pending before the trial Court, the petitioners have moved an application under Order 1 Rule 10 CPC read with section 151 CPC alleging therein that respondent No.1-plaintiff and the contesting defendants have connived with each other and the defendant-Electricity Department has given an illegal connection to the plaintiff due to which, the petitioner-applicants and the passersby are facing loss. Therefore, they are necessary party to be impleaded in the case. The said application has been dismissed by the learned Civil Judge(Senior Division) Hansi, vide order dated 07.10.2017 (impugned order). Hence, the present revision petition challenging the order dated 07.10.2017.

Learned counsel for the petitioners has argued that the petitioners are interested persons in the lis as the connection has been granted from the feeder, which was installed for the use of tubewell connection of residents of Village Rajthal. Therefore, the petitioners have been approaching concerned authorities regarding removal of illegal AP connection from Rajthal feeder. Further more, in case the petitioners are

ordered to be impleaded as a party to the suit, it would not cause any prejudice to the interest of the plaintiff in any manner, rather facilitate the just decision in the case. The connection has been installed at the behest of Amarjeet J.E., against whom the petitioners have made complaint to the department.

I have learned counsel for the petitioners.

Having perused the plaint so attached with the paper-book, it reveals that no relief has been claimed against the petitioner-applicants. Moreover, mere assertion that the feeder was exclusively installed for the use of residents of Rajthal does not give them a cause of action against the defendant-department to be impleaded as a party in the case. In case, the petitioners are aggrieved by any action of the defendant-Electricity Department they have an independent and separate remedy to initiate. Therefore, this Court finds that there is no illegality in the order passed by the Civil Judge (Senior Division), Hansi.

The petitions are dismissed.

21.03.2018
monika

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No