

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.195 of 2018
Date of Decision.15.01.2018

Ajeet Singh

.....Petitioner

Vs

Gurgaon Palwal Transmission Ltd. and others

.....Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. J.P. Sharma, Advocate
For the petitioner.

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AMIT RAWAL J.(ORAL)

The petitioner-plaintiff is aggrieved of the impugned order whereby the application moved under Order 1 Rule 10 CPC for impleading the proposed respondent No.3 and 4 as defendant No.3 and 4 in the suit seeking following relief against defendant No.1 and 2, has been dismissed.

“Suit for permanent injunction against the defendants to restrain them not to erect above or in the side of the pacca houses, well and cattle shed, poultry farm and room in which the residence is there shown in the map attached with the plaint as EFGHIJ and KLMN and OPCQ in dark green colour situated in the Killa No.29//13, 14, 23 agriculture land owned and possessed by the plaintiff and other co-sharers in the land bearing Khewat No.3 Khatoni No.3 Rectangle and Killa No.17//10/2 (2-0) 11 (8-0) 18//6/2/2 (0-17 15/2 (3-8) 29//6/2/2 (5-15) 7(8-0) 13(8-0) 14(8-2) 18 (9-18) 23 (3-18) measuring 65 Kanal 18 Marls vide jamabandi 2010-2011 situated in village Unhani Tehsil Kanina District Mahendergarh and not to laid down 400 KV double line from Neemrana to Dhanonda without paying the compensation and not to dig pits and not to erect any poll and tower by destroying the

crop of the plaintiff and not to cause any loss to the plaintiff and if during the suit they erect the poll and lay down the line then the same be removed.”

Mr. Sharma, learned counsel appearing on behalf of the petitioner submits that the suit is at initial stage and the impleadment of the proposed respondent No.3 and 4 as defendant No.3 and 4 is necessary and essential for adjudication of the suit and no harm and prejudice would be caused in case the aforementioned defendants are impleaded but the Court below has erroneously dismissed the application.

I have heard learned counsel for the petitioner and appraised the paper book. The nature of the suit as noticed above is simplicitor for permanent injunction only. If at all the petitioner is aggrieved, he can always file an independent suit against the aforementioned company but not in the manner and mode as indicated above, as the relief claimed in the plaint is against defendant No.1 and 2, that too in the suit for permanent injunction. Moreover, no objection was taken by defendant No.1 and 2 regarding the non-impleadment of proper and necessary party. Therefore, the Court below has rightly dismissed the application.

In view of the above, I do not subscribe to the contention raised by the counsel for the petitioner. No ground for interference is made to interfere with the order under challenge and the same is upheld. The revision petition is dismissed.

(AMIT RAWAL)
JUDGE

January 15, 2018
Pankaj*

Whether reasoned/speaking	Yes
Whether reportable	No