

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221

CR-2520-2016

Date of Decision:23.02.2018

Shingara Singh

.....Petitioner

Versus

Bhupinder Singh and others

.....Respondents

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

**Present: Mr. Gurcharan Dass, Advocate,
for the petitioner.**

**Mr. Sham Lal Bhalla, Advocate,
for respondent No.1.**

**Mr. A.K. Sharma, Advocate,
for respondent Nos.2 and 3.**

HARI PAL VERMA, J.(Oral)

The petitioner has filed the present revision petition under Article 227 of the Constitution of India for setting aside the order dated 21.10.2015 passed by the learned Civil Judge (Jr. Divn.), Ludhiana, whereby his application under Order 1 Rule 10 read with Section 151 CPC was dismissed.

Briefly stated, respondent No.1-plaintiff has filed a suit for permanent injunction restraining the Punjab State Power Corporation Limited-defendants from installing any poles over head-line in the property as detailed in the plaint and that suit is pending before the trial court. During the pendency of the suit, the present petitioner, who is brother of respondent No.1-Bhupinder Singh filed an application under Order 1 Rule 10 CPC for

impleading him as a party in the array of defendants on the ground that he

has a right in the controversy involved in the suit. The petitioner has claimed that he and respondent No.1-Bhupinder Singh are real brothers and after the death of Tej Kaur, who was owner of the property, he has a right in the property and therefore is entitled for compensation in case it is awarded.

On the other hand, learned counsel for the respondents state that the Electricity Department has not installed any poles in the said property as detailed in the suit. Accordingly, no amount of compensation has been awarded. Even otherwise, there is a prescribed procedure for laying down electricity lines/poles.

I have heard the learned counsel for the parties.

Since a limited relief has only been claimed against the respondent-Punjab State Power Corporation Limited, the petitioner is not a necessary party for proper adjudication of the suit. Be that as it may, if the petitioner feels that he has been deprived from compensation, if any awarded to respondent No.1-plaintiff, he may pray for relief by way of a separate petition after establishing his right in accordance with law.

Dismissed.

February 23, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No