

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-5927-2017 (O&M)

Date of decision : 19.01.2018

Diwan Singh

..... Petitioner

Versus

Param Ram and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. S.S. Mor, Advocate for the petitioner.

Mr. Sumit Sangwan, Advocate for respondents No. 1 to 4.

Mr. S.K.Mahajan, Advocate for respondents No. 5 to 8.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 20.7.2017 (Annexure P-2), passed by learned Civil Judge (Junior Division), Charkhi Dadri, whereby the application under Order 7 Rule 11 read with Section 151 CPC (Annexure P-1) filed by present petitioner-defendant No. 5 was dismissed.

In brief, plaintiffs-respondents have filed a suit for compensation to the tune of ₹ 5.00 lacs, claiming that Smt. Roop Kalan Devi had gone to the fields of Dalbir @ Dhillu on 8.7.2014 which was in possession of Diwan Singh-present petitioner/defendant No. 5. There was electricity in the poll which was covered with iron fences. The poll was broken and electricity was running through the wires. Due to the non-

existence of the insulator, the electric wires were connected with the poll and in this way, electricity was running through the polls. Smt. Roop Kalan Devi was electrocuted.

Learned counsel for the petitioner has contended that in the plaint the relief is claimed only against electricity officials i.e. defendants No. 1 to 4 and that petitioner-defendant No. 5 is not necessary party. However, a perusal of the plaint shows that it is claimed that defendant No. 5-Diwan Singh was in possession of the property where the said live wires were running. Therefore, Diwan Singh-defendant No. 5 is necessary and proper party for deciding the matter.

The only averments made in the plaint are to be seen. Though, compensation is not claimed from Diwan Singh-defendant No. 5. However, in view of the averments, defendant No. 5-Diwan Singh is necessary party and required to be heard before deciding the matter.

In view above, I do not find any illegality or irregularity in the order dated 20.7.2017 passed by learned Civil Judge, (Junior Division), Charkhi Dadri.

Dismissed.

(KULDIP SINGH)
JUDGE

19.01.2018
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Whether speaking / reasoned
Whether Reportable:

Yes/No
Yes/No