IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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RSA-5180-2016 (O&M)
Date of Decision : 14.08.2018

Dr. Rattan Lal ..... Appellant

Versus

SDO (OP), UHBVNL ..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

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Present :- Mr. Manish Joshi, Advocate
for the appellant.

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AJAY TEWARI, J. (ORAL)

This appeal has been filed against the concurrent judgments of the courts below dismissing a suit filed by the appellant.

The appellant had filed a suit for declaration that the checking report dated 17.11.2012 and the subsequent notices issued to him were wrong and further sought mandatory injunction demanding refund of the penalty amount etc. The fatal flaw which the appellant made was that he did not implead Uttar Haryana Bijli Vitran Nigam Ltd. but only implead the Sub Divisional Officer. The lower appellate court held that the Uttar Haryana Bijli Vitran Nigam Ltd. was a necessary party and in the absence thereof the suit could not be decreed.

Counsel for the appellant has not been able to persuade me that the findings recorded by the courts below are either based on no evidence or based on such a perverse misreading of evidence so as to justify the interference of this Court in second appeal.

Counsel for the appellant has only argued that this is a technicality. It may be so but the suit can not proceed in the absence of a necessary party.

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Appeal is dismissed. No costs.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

August 14, 2018
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Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No

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