

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 202

CR-7567-2016

Date of decision : 05.03.2019

H. S. Bhatia

..... Petitioner

VERSUS

H. V. Rai and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. A. D. S. Sukhija, Advocate, for the petitioner.

Mr. J. S. Mehndiratta, Advocate, for respondent No. 1.

None for respondents No. 2 and 3.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 05.10.2016, passed by the Civil Judge (Junior Division), Patiala (for short, the Trial Court), dismissing the petitioner's application filed under Order 1 Rule 10 CPC, through which he had sought his impleadment in respondent No.1's suit.

The facts, in brief, which are required to be noticed for adjudicating upon the present petition are that respondent No. 1 filed a suit seeking therein permanent injunction to restrain respondents No. 2 and 3 from disconnecting the water/sewerage connection installed by them in H. No. 809/8, Gurbax Colony, Patiala (for short, the suit property). Such suit was filed by respondent No. 1 on the ground that he was owner in possession of the suit property and that respondents No. 2 and 3, under political pressure were contemplating to disconnect the water/sewerage connection to the suit property. On being put to notice, respondents No. 2 and 3 appeared before the Trial Court and disputed respondent No. 1's claim by *inter alia* submitting that he was not the owner of the suit property and

that he had got the water connection in his name by fraudulent means. Before the Trial Court could frame the issues, the petitioner filed an application under Order 1 Rule 10 CPC seeking his impleadment as a defendant in respondent No. 1's suit primarily on the ground that it was he who was the owner of the suit property. The Trial Court rejected the petitioner's impleadment application through the order which is under challenge in the present proceedings.

Learned counsel for the petitioner as also respondent No. 1 have been heard.

Respondent No. 1 filed a suit seeking therein permanent injunction to restrain respondents No. 2 and 3 from disconnecting the water/sewerage connection installed at the suit property of which he claims himself to be the owner in possession. Respondents No. 2 and 3 have denied respondent No. 1's ownership and have further stated that respondent No. 1 had managed to get the connection in his name through fraudulent means. Respondents No. 2 and 3 have further stated before the Trial Court that the water/sewerage connection installed at the suit property is irregular and the same could and would be regularized only if respondent No. 1 could produce records pertaining to his ownership over the suit property.

In view of the above facts, as to who is the owner of the suit property would be an important issue to be adjudicated upon and therefore, the presence of the petitioner, who, on the strength of a registered sale deed, claims himself to be the owner of the suit property, would be required before the Trial Court to effectively decide such controversy. The decision in respondent No. 1's suit would also have a bearing upon the rights of the

petitioner. Further, in a similar injunction suit filed by respondent No. 1 against the Punjab State Power Corporation Ltd. (for short, the Corporation) to restrain the Corporation from disconnecting the electricity being supplied to the suit property through order dated 03.05.2016, the Trial Court has permitted the petitioner to be impleaded as a defendant, which order has not been challenged by respondent No. 1.

In view of the above, the impugned order is set aside and the application filed by the petitioner under Order 1 Rule 10 CPC is allowed.

The present petition is allowed in the above terms.

A perusal of the records reveals that respondent No. 1 filed his suit in June, 2015 and the same remains pending ever since. In the light of this fact, the Trial Court is directed to adjudicate upon the suit expeditiously but not later than eight months from the date of receipt of a certified copy of this order.

05.03.2019
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No