



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 02.12.2020

CORAM :

THE HONOURABLE MR.JUSTICE **N.SESHASAYEE**

C.R.P (MD) (NPD) No.932 of 2020
and C.M.P (MD) Nos.6097 and 6098 of 2020

1.Zahir Hussain

2.Shajahan ... Petitioners/Petitioners/Defendants

Vs.

1.Maideenkhan

2.The Superintending Engineer,
Tamil Nadu Electricity Board
(Generation and Distribution),
Parvathipuram * PO.,
Nagercoil,
Agastheeswaram Taluk 620 003.

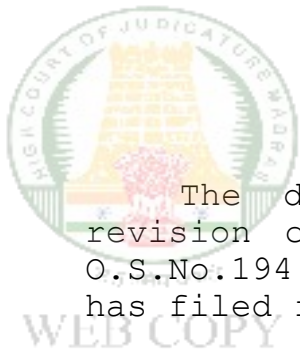
3.Assistant Divisional Engineer,
Tamil Nadu Electricity Board
(Generation and Distribution),
Eraniel,
Eraniel Post, Kalkulam Taluk 629 802
Kanyakumari District

4.Junior Engineer,
Tamil Nadu Electricity Board
(Generation and Distribution),
Manavalakurichi Post,
Kalkulam Taluk - 629 802
Kanyakumari District.

..Respondents/Respondents/Plaintiffs

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India as against the fair and decreetal order dated 07 .10.2020 made in I.A,.No.6 of 2020 in O.S.No.194 of 2018 on the file of the Sub Court, Eraniel.

For Petitioner : Mrs. J.Anandavalli
For R1 : Mr.S.C.Herold Singh



O R D E R

The defendants in O.S.No.194 of 2018 have preferred this revision challenging the order passed in I.A.No. 6 of 2020 in O.S.No.194 of 2018 on the file of the Sub Court, Eraniel., which he has filed for impleading certain officials of the TANGEDCO.

2.1 The brief facts which are necessary for appreciating the scope of this revision is that the revision petitioners herein are the tenants of the first respondent of a non-residential building in a Panchayat area. The first respondent has therefore laid a suit for delivery of property from the tenant. It is submitted that the revision petitioners are running a Textile shop in the demised premises and an electric meter is fixed on the wall of the first respondent. Taking advantage of the same, this Court was informed that the first respondent began to frequently disturb the power supply of the shop of the revision petitioners. Indeed the revision petitioners even moved the authorities of the TANGEDCO to disconnect the power supply of the suit property.

2.2 In the meantime, the defendants have also approached TANGEDCO to shift the electric meter to the wall in the suit property. Both these aspects are pending before the authorities. In the meantime, pending suit, the first respondent/plaintiff in the suit has approached this Court in W.P.No.10066 of 2020 for a direction to the authorities to disconnect the power supply. This Court Vide its order dated 26.08.2020 disposed of the matter with a direction to the trial court to dispose of the suit within a period of six months from the date of receipt of a copy of this order.

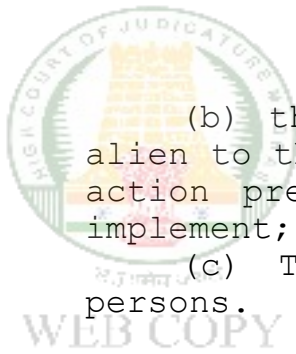
3. Be that as it may, the revision petitioners/defendants in the suit have come forward with I.A.NO.6 of 2020 to implead 3 officials of the TANGEDCO as additional defendants 2 to 4. This came to be dismissed by the trial court, and the same is now under challenge in the present revision.

4. The learned counsel for the revision petitioners argued that the present petition has become necessary since the revision petitioners are facing constant problem from their lessor and that his request to the TANGEDCO for shifting the meter is pending for about 6 months without any action being taken.

5. Heard the learned counsel for the first respondent.

6. After weighing the rival submissions this Court is of the considered view that the impugned order passed by the trial court does not require any interference by this Court. There are 3 reasons for it:

(a) The plaintiff is *dominus litis*, who is liable for the effects of an adverse judgment including expenses;



(b) that the need for impleading the officials of TANGEDCO is alien to the scope of the suit and at any rate, there is no cause of action presently available within the frame of the suit seeking implement; and

(c) The officials sought to be impleaded are not juristic persons.

7. In conclusion, this Court does not find merit in this revision and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

Cm

To

The Subordinate Judge, Eraniel.

Copy to: The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2)

+1 CC to M/s. J. ANANDA VALLI, Advocate SR-23994[F] dated 04/12/2020.

C.R.P (MD) (NPD) No.932 of 2020
and C.M.P (MD) Nos.6097 and 6098 of 2020
02.12.2020

KG (CO)
CS (21.12.2020) 3P 5C