

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

Sr.No.119

CR No.1196 of 2022

Date of Decision: 01.04.2022

Jagtar Singh

...Petitioner

Versus

Kuldeep Singh and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Chetan Bansal, Advocate
for the petitioner.

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MEENAKSHI I. MEHTA, J. (ORAL)

Feeling aggrieved by the order dated 17.02.2022 (Annexure P-1) passed by the Civil Judge (Junior Division), Shaheed Bhagat Singh Nagar (for short 'the trial Court'), whereby the application moved by respondent No.1-Kuldeep Singh (for short 'the applicant') under Order 1 Rule 10 CPC with a prayer for impleading him as a party in the Civil Suit preferred by the petitioner-plaintiff (here-in-after referred to as 'the plaintiff') has been allowed, the plaintiff has chosen to prefer the instant revision petition.

As per the brief factual-matrix culminating in the present petition, the plaintiff filed the said Civil Suit for seeking a decree for mandatory injunction against proforma respondents No.2 and 3 (here-in-after to be referred as 'the defendants') for the restoration of the electric connection of the tubewell installed in the land in question. The applicant moved the above-said application, while averring that he was one of the co-sharers in the said land and the plaintiff had fraudulently obtained the said electric connection in the name of one Gurdeep Singh, who was not

even a co-sharer in this land and that too, without seeking the consent from the other co-sharers. This application has been allowed by the trial Court vide the impugned order.

I have heard learned counsel for the petitioner-plaintiff in this petition and have also perused the file carefully.

Learned counsel for the plaintiff contends that the plaintiff, being a co-sharer in the said joint land, was entitled to get the electric connection issued in his own name or in the name of any other person occupying the said land on his behalf and therefore, the defendant-Department could not have disconnected the said electric connection and the applicant is not a necessary party for the decision of the Civil Suit and hence, he is also not entitled to be impleaded as a party in the same. He places reliance upon the verdict rendered by Delhi High Court in **Amit Ved vs. Guljinder Singh and another, 2017 (242) DLT 6**, in support of his contentions.

However, I do not find the afore-raised contentions to be tenable at all because concededly, the plaintiff and the applicant are the co-sharers in the said land. At this stage, there is nothing on the file to show that any partition had ever taken place amongst the co-sharers in respect of this land and that in pursuance thereof, the plaintiff was in exclusive possession over any parcel of the said land. In para No.3 (on merits) in their written statement Annexure P-5, the defendants have specifically stated that one Jaskaran Singh had moved an application/complaint to the Department regarding the said electric connection having fraudulently been procured by the plaintiff. The said complainant is stated

to be the Special Attorney of the applicant. Learned counsel for the plaintiff also concedes that above-said Gurdeep Singh is no more cultivating the land on behalf of the plaintiff. In these circumstances, it is quite explicit that the applicant, being a co-sharer, is a necessary party for the proper and just adjudication of the dispute involved in the Civil Suit.

The observations, as made in **Amit Ved's case (supra)**, do not further the cause of the plaintiff in the present petition because the facts and circumstances of the afore-cited case are distinguishable from those of the present one. In the above-said case, there was a dispute between the landlord and the tenant qua the electric connection catering to the requirement of the electricity in the rented premises and the tenant was found to be in possession of the same whereas in the instant case, as observed earlier, the land in question is still a joint holding of all the co-sharers.

As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, infirmity, irregularity or perversity so as to warrant any interference by this Court. Resultantly, the present revision petition, being *sans* any merit, stands dismissed.

01.04.2022
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(MEENAKSHI I. MEHTA)
JUDGE

***Whether speaking/reasoned* Yes**

***Whether Reportable* No**