

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

131

CR-2727-2022

Date of decision: 18.07.2022

Harish Chander

.....Petitioner

Versus

Tekchand and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Aman Priye Jain, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is impugning the order dated 28.03.2022 passed by learned Civil Judge, Gurugram vide which his application under Order 1 Rule 10 CPC for impleading him as a party was dismissed.

Learned counsel for the petitioner submits that respondent No.1/plaintiff was misusing his domestic electricity connection for agricultural purposes as a result of which the supply line of electricity was overloaded and also resulted in frequent power cuts. Learned counsel submits that the petitioner was suffering due to such illegal usage by respondent No.1/plaintiff and hence he was a proper and necessary party, moreso, when notice dated 09.03.2021 was issued by the Electricity Department to respondent No.1/plaintiff on his written complaint dated 19.10.2020.

I have heard learned counsel and perused the material on record.

The basic ingredient for impleading any person as a party under Order 1 Rule 10 CPC is that in the absence of such person the

Court would be handicapped to adjudicate upon the questions in dispute, effectively and completely.

In the instant case, respondent No.1/plaintiff has challenged notice dated 09.03.2021 issued by the Electricity Department and has sought the relief of permanent injunction and mandatory injunction against the Electricity Department. Hence, it is evident that the dispute is between respondent No.1/plaintiff and the Electricity Department. This Court fails to understand as to how in the aforementioned circumstances the petitioner would be a necessary or proper party because neither the notice sent to respondent No.1/plaintiff which is under challenge has been issued by the petitioner nor any relief is being sought qua him by respondent No.1/plaintiff. Merely because the petitioner also happens to be a consumer of the electricity supply line would not make him a proper or necessary party. Moreover, it is respondent No.1/plaintiff who is the *dominus litis* and he cannot be compelled to sue any person against whom no relief has been sought by him. The instant revision petition being devoid of merit is dismissed.

18.07.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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