

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No.3406 of 2023 (O&M)

Date of Order:21.11.2023

Radhey Shyam

.Petitioner

Versus

Raj Kumar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajay Singh Ghangas, Advocate
for the petitioner.

Ms.Nisha Rana, Advocate
for respondent no.1.

Mr. Mayank Vashishth, Advocate, for
Mr. Prateek Mahajan, Advocte
for respondent nos. 2 to 4.

ANIL KSHETARPAL, J

1. This revision petition has been filed to challenge the correctness of the interlocutory order passed by the trial court while allowing Sh. Raj Kumar to be impleaded as a defendant.

2. In the suit, the plaintiff seeks the relief of decree of declaration that the demand notices issued by the Uttar Haryana Bijli Vitran Nigam Limited are illegal, null and void. These demand notices are with respect to a tubewell installed in the land comprised in khasra no.17/2. The plaintiff claims that the aforesaid tubewell was installed by his father and now the plaintiff is in possession.

3. On the other hand, Sh. Raj Kumar filed an application to claim that in a family settlement which had taken place on 06.06.1992, 9 acres of land fell to the share of the applicant and his brother including the land

underneath the tubewell.

4. The trial court has allowed the application in order to grant opportunity to the respondent-Raj Kumar to watch his interest. The correctness of the aforesaid order has been challenged in this revision petition.

5. The learned counsel representing the petitioner submits that the plaintiff is dominus-litis and no relief against Sh. Raj Kumar has been sought in the present suit.

6. On the other hand, the learned counsel representing the respondent-Raj Kumar submits that if the suit filed by the plaintiff is dismissed, the applicant would suffer loss because the aforesaid property has fallen to the share of Sh. Raj Kumar.

7. On a Court question, the learned counsel representing the petitioner failed to draw the attention of the court to any prejudice which the petitioner is likely to suffer. Moreover, the plaintiff and Sh. Raj Kumar are cousins and as per the revenue record, they are reflected as the co-sharers.

8. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

9. Dismissed.

10. All the pending miscellaneous applications, if any, are also disposed of.

November 21, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO