

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

126

CWP-14918-2023

Date of decision: 17.07.2023

ATUL KHANNA

.....Petitioner

VERSUS

PERMANENT LOK ADALAT, KAPURTHALA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Prateek Pandit, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

The petitioner has approached this Court for seeking setting aside order dated 31.05.2023 (Annexure P-13) whereby the application of the petitioner under Order 1 Rule 10 filed before the Permanent Lok Adalat (Public Utility Services), Kapurthala has been dismissed by observing that the petitioner is not a necessary party and no relief is being prayed against him in the proceedings brought before the Permanent Lok Adalat (Public Utility Services), Kapurthala.

A challenge is also raised to the order dated 07.06.2023 passed by the Permanent Lok Adalat whereby the Municipal Corporation, Kapurthala has been directed to install a separate water connection in favour of the respondent-applicant-Prem Kumari.

The counsel appearing on behalf of the petitioner contends that a civil suit for exclusive possession by way of partition by metes and bounds with respect to House No. 32 situated in Germany Dass Park, Kapurthala is already pending between the parties bearing title

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“Vijay Kumar versus Atul Khanna & Others” and that the above said adjudication and direction by the Permanent Lok Adalat (Public Utility Services), Kapurthala is likely to have a prejudicial impact on the rights of the petitioner in the ongoing civil proceedings and has no other grievance against the order.

I am afraid that the apprehension is misconceived. The petitioner has not been impleaded as a party by the respondents nor any relief has been claimed. The specific application for impleadment moved by the petitioner was also declined. The award/interim orders passed by the Permanent Lok Adalat (Public Utility Services), Kapurthala is in relation to facilitating a service and cannot be construed as an expression of tittle to the prejudice of the petitioner. The said issue being subjudice before the Civil Court, the same would be decided by the Civil Court on the basis of evidence adduced before it.

The present petition is accordingly disposed of as not pressed at this stage in view of the aforesaid and considering that the relief of release of the water connection was not directed against the petitioner and the scope of proceedings before the Permanent Lok Adalat (Public Utility Services), Kapurthala was only confined to the said service and not beyond.

(VINOD S. BHARDWAJ)
JUDGE

JULY 17, 2023*Vishal sharma*

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