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

CR-6970-2019 (O&M)
Date of decision: 15.12.2025

Suresh Kumar

...Petitioner

Versus

Madan Lal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Saurabh Arora, Advocate for respondent Nos.1 and 2.

Mr. Rishabh Gupta, Advocate for respondent Nos.3 and 4.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 01.10.2019 (Annexure P-1) passed by the Civil Judge (Junior Division), Amritsar, whereby an application (Annexure P-2) filed by respondent Nos.1 and 2 under the provisions of Order 1 Rule 10 of CPC for impleading respondent Nos.1 and 2 as party to the civil suit (Annexure P-4) has been allowed.

ARGUMENTS ON BEHALF OF THE PETITIONER:-

2. Learned counsel for the petitioner has submitted that the petitioner is dominus litis and he had not impleaded Madan Lal and Raju Mehta-respondent Nos.1 and 2 in the suit as he is claiming no relief against



the said respondents. It is further submitted that the said respondents are neither necessary nor proper parties yet the trial Court in a suit for injunction filed by the petitioner against the Punjab State Power Corporation Limited has impleaded the said respondent Nos.1 and 2 as defendants in the said suit. It is argued that the order vide which the application for impleadment has been allowed is illegal and deserves to be set aside and the application filed under Order 1 Rule 10 CPC for impleadment deserves to be dismissed.

ARGUMENTS ON BEHALF OF RESPONDENTS No.1 and 2:-

3. Learned counsel appearing on behalf of the contesting respondent Nos.1 and 2 has argued that the present petitioner had earlier filed a suit for permanent injunction against the present respondent Nos.1 and 2 on 09.02.2018 and in the said suit, injunction was sought against respondent Nos.1 and 2 from dispossessing the plaintiff from the premises in question. It is argued that it was the specific stand of respondent Nos.1 and 2 in the said proceedings that even respondent Nos.1 and 2 were doing joint business in the demised premises as tenants for the last 40 years and that the motor car sale and purchase and motorcar workshop was a partnership concern and both the present petitioner and respondent No.1-Madan Lal were partners in the same. It is further submitted that it was also the case of respondent Nos.1 and 2 in the said suit that the petitioner had got the name in the electricity connection changed from Surinder Kumar Madan Lal to Suresh Kumar alone, which was an illegal act. It is submitted that immediately thereafter, the petitioner filed the present suit for injunction on 15.03.2019 in which one of the prayers made was for restraining the



Corporation from changing the name in the electricity connection in question from the name of the plaintiff/petitioner to that of any other name. It is submitted that even a perusal of the plaint, more so paras 4 and 6, would show that specific allegations have been levelled against the present respondent Nos.1 and 2 in the same and thus, respondent Nos.1 and 2, who are also claiming themselves to be co-tenants in the premises of which the electricity connection is the subject matter of dispute and are also paying electricity charges along with the plaintiff, are necessary parties and have a right to be impleaded as parties. It is further submitted that defendant Nos.1 and 2 had filed written statement in the present suit and in the said written statement, specific objections were raised by defendant Nos.1 and 2 to the effect that the present respondent Nos.1 and 2 were necessary parties to the suit as they were also tenants in the suit premises and the electricity connection in question was not in the sole name of the plaintiff-petitioner. It is submitted that since the application was filed within a period of 1 month and 5 days of filing of the suit, thus, the suit was at the initial stage and impleadment of respondent Nos.1 and 2 would help in properly and fully adjudicating the case.

ANALYSIS AND FINDINGS:-

4. This Court has heard learned counsel for the parties and has perused the paper book and finds that the impugned order deserves to be upheld and the present revision petition being meritless, deserves to be dismissed for the reasons stated hereinafter.

5. It is not in dispute that the present petitioner had earlier filed a suit for permanent injunction against respondent Nos.1 and 2 namely



Madan Lal and Raju Mehta. The said suit was instituted on 09.02.2018.

Prayer made in the said suit is reproduced hereinbelow:-

*“Under the circumstances, it is, therefore, prayed that a **DECREE for permanent injunction restraining the defendants** themselves or through any of their attorneys, privies, assignees, representatives, etc. from interfering and intermeddling into peaceful possession of the plaintiff **or forcibly dispossessing the plaintiff from motor car workshop shed being run by plaintiff in Mission Compound, Court Road, Near Nanda Steel, Amritsar, belonging to Amritsar Diocesan Trust, Amritsar, as duly shown in site plan attached herewith as Mark-X; be passed in favour of the plaintiff and against defendants. Any other relief to which the plaintiff is found entitled under the law, may also be granted in his favour.***

Dated:

Through Counsel

*Sd/- Ramesh Chaudhary
& Nitin Chaudhary, Advocates”*

6. A perusal of the plaint (Annexure P-5) in the said suit would show that it was the case of the present petitioner-plaintiff that respondent Nos.1 and 2 herein, who were defendants in the said suit, had got some documents prepared in their favour from the rival group of Amritsar Diocesan Trust Office and had further averred that the electricity connection was earlier in another name which was subsequently got changed by the plaintiff. Although, written statement filed by respondent Nos.1 and 2, who were defendants, in the said suit has not been annexed along with the present revision petition but a perusal of the order dated 06.07.2018 (Annexure P-6), which was an order passed in an application filed under



Order 39 Rules 1 and 2 CPC by the petitioner in the said suit, would show that it was the case of the present respondent Nos.1 and 2 in the said suit that plaintiff-present petitioner and respondent Nos.1 and 2 were jointly doing business in the demised premises as tenants of Amritsar Diocesan Trust for the last 40 years and there was a partnership between them and further that the present petitioner-plaintiff in order to create evidence in his favour had got changed the name of the electricity connection in the premises in question, in the Electricity Department from Surinder Kumar Madan Lal to Suresh Kumar alone, although the electricity bills were paid jointly by them.

7. On 15.03.2019, the plaintiff had filed the present suit while impleading Punjab State Power Corporation Limited as defendant Nos.1 and 2 without impleading the present respondent Nos.1 and 2. Prayer in the said suit is reproduced hereinbelow:-

*“In the light of the facts stated above it is prayed that suit of the plaintiff may kindly be decreed with costs for permanent injunction restraining the defendants, its officials **from disconnecting the electricity connection and from changing the name of plaintiff as subscriber/consumer of electricity connection account no.C16LR28/0624M to any other name.** Any other relief to which the plaintiff is found entitled be also granted in favour of plaintiff with costs in the interest of justice, equity and fair play.*

Plaintiff

Suresh Kumar

Through counsel

Ashwani Bansal Advocate

Manish Bansal Advocate”



8. A perusal of the said prayer would show that apart from seeking injunction restraining the defendants, who are Punjab State Power Corporation Limited, from disconnecting the electricity connection, further prayer has been made for restraining the defendants from changing the name of the plaintiff as subscriber/consumer of electricity connection account No.C16LR28/0624M to any other name. Normally, in a simplicitor suit for injunction, impleadment of a third party is not to be entertained, however, in the peculiar facts and circumstances of the present case, more so, when the above additional prayer has been made by the plaintiff-petitioner, then, it cannot be said that respondent Nos.1 and 2 in the present suit are neither necessary nor proper parties. In case, the petitioner-plaintiff succeeds in getting the injunction on the second aspect i.e., restraining the Department from changing the name of the plaintiff as consumer in the electricity connection in question to any other name, then, the same can cause serious prejudice to the rights of the respondent Nos.1 and 2, as it is the case of respondent Nos.1 and 2 that the tenancy is joint and the electricity charges are also being paid by them, in the earlier suit for injunction filed by the plaintiff.

9. Further a perusal of the plaint in the present suit, which has been annexed as Annexure P-4, would show that in paras 4 and 6, specific pleadings with respect to the present respondent Nos.1 and 2 have been made, which are to the effect that officials of the Punjab State Power Corporation Limited are hand in glove with Madan Lal and Raju Mehta, who were having dispute with the petitioner-plaintiff and who are trying to dispossess the petitioner-plaintiff and that several complaints were given by



Madan Lal and Raju Mehta on account of which the Department is also acting against the petitioner-plaintiff. However, in spite of the said specific averments, the plaintiff had chosen not to implead respondent Nos.1 and 2 in the present case. A perusal of the impugned order would show that even defendant Nos.1 and 2 i.e., Punjab State Power Corporation Limited had taken a specific objection in the written statement that Madan Lal is a necessary party to the present suit as he was also a tenant in the suit property and the electricity connection in question is not in the sole name of the plaintiff. It had further been observed by the trial Court in the impugned order dated 01.10.2019 that certain documents filed on record by defendant Nos.1 and 2 also showed that applicants-present respondent Nos.1 and 2 are also tenants along with the petitioner-plaintiff. In the said circumstances, the trial Court had allowed the application for impleadment.

10. It is not disputed before this Court that the stage at which the application for impleadment was filed, was the stage prior to framing of the issues, inasmuch as, the date of the plaint in the present suit is 15.03.2019 whereas the application for impleadment had been filed on 20.04.2019, which had been allowed vide impugned order dated 01.10.2019. It is in the present revision petition filed by the petitioner that an interim order was passed by the Coordinate Bench of this Court on 16.12.2019 directing the trial Court to adjourn the proceedings, on account of which the suit filed by the petitioner-plaintiff is still at the initial stage. In the said peculiar facts and circumstances of the case, this Court is of the opinion that respondent Nos.1 and 2 cannot be stated to be neither necessary nor proper parties for final and proper adjudication of the case. In fact, it would be in the interest



of the petitioner also to permit the present respondent Nos.1 and 2 to be impleaded as parties, so that the matter can be finally and properly adjudicated and in case the petitioner is to win then an effective decree could be passed.

11. The Hon'ble Supreme Court in the case of **“Shalini Shyam Shetty and another Vs. Rajendra Shankar Patil”**, reported as **(2010) 8 Supreme Court Cases 329**, had observed that the High Courts cannot, at the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or courts inferior to it. Nor can it, in exercise of this power, act as a court of appeal over the orders of court or tribunal subordinate to it. It was also observed in the said judgment that a statutory amendment with respect to Section 115 of the Civil Procedure Code does not and cannot cut down the ambit of High Court's power under Article 227 but at the same time, it must be remembered that such statutory amendment does not correspondingly expand the High Court's jurisdiction of superintendence under Article 227. The power of interference under this Article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court. It was also observed that the power under Article 227 may be unfettered but its exercise is subject to high degree of judicial discipline.

12. Keeping in view the above, this Court is of the opinion that the impugned order does not call for any interference by this Court while exercising its powers under Article 227 of the Constitution of India and



accordingly, the impugned order is upheld and the present revision petition being meritless, deserves to be dismissed and is dismissed.

13. It would be relevant to note that the observations made in the present order should not be construed as an expression on the merits of the main case and the trial Court would decide the main case independently, as the present observations have been made only to consider the correctness of the impugned order vide which the application filed by respondent Nos.1 and 2 for impleadment under Order 1 Rule 10 CPC had been allowed and the main suit would be decided independently by the trial Court after taking into consideration the entire evidence and documents led by the parties.

14. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

15.12.2025

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No