



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(202)

CR-1182-2023

Date of Decision: - 07.04.2026

Om Parkash

....Petitioner

Versus

Anil Kumar and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ajay Jain, Advocate,
for the petitioner.

Mr. Shalender Mohan, Advocate,
for respondent No.1.

None for respondent No.2.

Mr. Jagdish Manchanda, Sr. Advocate with
Mr. Arvind Seth, Advocate, and
Mr. Nischal Chetanya Manchanda, Advocate
for respondent Nos.3 and 4.

VIKAS BAHL, J. (ORAL)

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 22.11.2022 passed by the Civil Judge (Junior Division), Hansi vide which the application filed by the petitioner under Order 1 Rule 10 read with Section 151 CPC seeking his impleadment in the suit has been ordered to be dismissed.

2. Respondent No.2 has been served, however, no one has



appeared on her behalf in spite of due service.

ARGUMENTS ON BEHALF OF THE PETITIONER

3. Learned counsel for the petitioner has submitted that in the present case, respondents No.1 and 2 had filed a suit against the Executive Engineer and the SDO, who are government officials, seeking to restrain them from installing electricity pole and other electricity equipment. It is further submitted that even a perusal of the plaint would show that at several places it has been stated by the plaintiffs that the said electricity pole is being installed in order to give new electricity connection to the present petitioner-Om Parkash. It is stated that in para 2 it has further been pleaded that the electric poles have already been erected. It is argued that the order of status quo had been passed in the said suit on account of which the process of completion of supply of electricity has been stalled and the same is causing serious prejudice to the rights of the petitioner. It is argued that the petitioner had moved an application under Order 1 Rule 10 CPC giving all the details to show that since the land which the petitioner had taken on lease was adjoining to the land of the respondents/plaintiffs and since the poles were being erected on the berm and in view of the injunction sought and status quo order having been passed, the entire process has come to a standstill, on account of which there is no electricity supply to the land, which is in possession of the petitioner.

4. It is submitted that the petitioner had deposited the due amount for getting the electricity connection which facts had been



detailed in para 4 of the application. It is further submitted that any order of injunction passed in the present case against the defendants would also severely prejudice the petitioner and thus, the petitioner is a necessary party to be impleaded in the present suit. It is stated that the case is at an initial stage and the issues have not been framed and thus, the impleadment of the petitioner would help in properly and finally adjudicating the case and would also be beneficial to the plaintiffs as any judgment passed would be binding on all the parties.

ARGUMENTS ON BEHALF OF THE RESPONDENT NO.1

5. Learned counsel for the respondent No.1, on other hand, has submitted that it is the case of the plaintiffs that the electric poles were sought to be installed on the land which is the ownership of the plaintiffs and thus, the plaintiffs had every right to restrain the department from installing the said electric poles and to provide electricity, even if the same is meant for the present petitioner and other persons. It is further submitted that without acquiring the land of respondent Nos.1 and 2, the department could not have laid down the said electricity poles. It is stated that at any rate, the petitioner would step into the shoes of the department and cannot raise any better defence than what the department can raise. It is further submitted that in the said circumstances, the trial Court has rightly dismissed the application filed by the petitioner under Order 1 Rule 10 CPC and the said order deserves to be upheld.

ARGUMENTS ON BEHALF OF RESPONDENTS NO.3 AND 4

6. On behalf of the respondents No.3 and 4, it has been



submitted that as far as the present revision petition is concerned, the primary dispute is between the petitioner and respondent No.1 and 2, who are the plaintiffs. It is further submitted that the impugned order has been rightly passed by the trial Court and the present revision petition deserves to be dismissed.

ANALYSIS AND FINDINGS

7. This Court has heard learned counsel for the petitioner as well as learned counsel for respondent No.1 and learned senior counsel for respondents No.3 and 4 and is of the opinion that in view of the peculiar facts and circumstances of the present case, it would be in the best interest of all the parties concerned that the impugned order is set aside and the petitioner is ordered to be impleaded as defendant No.3 in the main suit, for the reasons stated hereinafter.

8. A perusal of the plaint, which has been annexed as Annexure P1 along with the present revision petition, would show that respondents No.1 and 2 have impleaded the Executive Engineer and the SDO as defendants No.1 and 2 in the case and permanent injunction is sought against them from installing the electric pole or other electricity equipment forcefully. In the headnote itself, it has been stated that the said defendants are wanting to connect the electricity connection of another person, namely, Om Parkash, who is the petitioner. Specific averments have been made against the petitioner-Om Parkash in the said suit. In para 2 of the plaint, it has further been stated that the electricity poles have been put up by the defendants. The headnote and the relevant



portion of the plaint is reproduced as under: -

“Suit for permanent injunction (prohibitory and mandatory) to the effect that the Defendants be restrained from installing electricity pole or other electricity equipment forcefully in the agricultural land of plaintiffs where plaintiffs are absolute owner in possession of land mentioned in the Jamabandi of year 2017-2018 as Khewat No. 4917//4423, Khatauni No. 5835, Khasra No. 365//9 (4-2), 12 (8-0), 13/1 (8-9), 18 (8-0), 19/2 (4-2), 24/1 (1-16) total 34 Kanal 16 Marla and Khewat No. 4916//4423, Khatauni No. 5833-5834 Khasra No. 365//15 (3-0), 16 (8-0), 14 (6-0), 17 (8-0) total 25 Kanal where wheat crops are growing and defendants are wants to connect the electricity connection of another person named Om Parkash on the basis of impugned Application or estimate prepared by defendants under the political influence of Om Parkash Rara without notice, without any compensation given to plaintiffs are altogether totally illegal, null and void-ab-initio, against law, against facts, without following the instructions of the Nigam itself and as such, these documents are not binding on the rights of the plaintiffs and the same are liable to be set aside with a consequential relief that defendants be further restrained from taking any other action against the plaintiff on the basis of aforesaid impugned application or estimate prepared by defendants which is in under objection raised by plaintiffs on the basis of evidence oral and documentary of every kind.

xxx xxx xxx

6. ***That another person Om Parkash applied for a new connection for agriculture purpose for Khasra No. 829 in 2018 and secondly moved an application for transfer of connection application to another khasra numbers where he is no owner in possession and on that application defendants prepared a site plan/estimate without notice to plaintiffs which are altogether totally illegal, null and void-ab-initio, against law, against facts without following the instructions of the Nigam itself and as such, these documents are not binding on he rights of the plaintiffs and the same are liable to be set aside, inter alia, on the following grounds.***

a. ***That first of all, the plaintiffs are regular consumer of the defendants and their electricity connection is installed by defendants on their person cost.***



- b. *That defendants wants to connect the electricity connection for Om Parkash Rara from transformer of plaintiffs which is standing in khasra No. 365//18 within ownership of the plaintiff No.1.*
- c. *That employee/ contractor of the defendants illegally entered in the agriculture land of the plaintiffs without any prior notice, without consent and without giving any compensation to the plaintiffs.*
- d. *That Nigam transferred the khasra number which was mentioned in 1st application moved to DHBVNL for agriculture land in the name of Om Parkash Rara, which is against the rule of defendants and against the law because the department cannot change the khasra numbers in application which was under process.*
- e. *That wheat crops are growing in the agriculture land of plaintiffs and heavy machines of DHBVNL will destroy the wheat crops.”*

A perusal of the above would show that it was the case of the plaintiffs that it was in pursuance of the application filed by the present petitioner for new connection that the impugned act was being done by defendants No.1 and 2/respondents No.3 and 4.

9. The petitioner had moved an application under Order 1 Rule 10 CPC for being impleaded as a party. The said application has been annexed as Annexure P-2. In the said application, it was specifically stated that vide order dated 07.05.2022, the Court was pleased to grant stay and that on account of the said stay, the further process, subsequent to the installation of the electricity poles, has been stayed, thus, causing prejudice to the petitioner. In the said application, it was further stated that the petitioner was a lessee of land measuring 36 kanals and that another 4 marlas of land was also leased out to the petitioner which khasra numbers were adjacent to the land of the plaintiffs. It is further the



case of the petitioner that the petitioner had deposited Rs.1000/- vide receipt dated 30.12.2018 and another amount of Rs.1000/- on the same date also with the DHBVN for issuance of tubewell connection and that the erection of poles and wires was being done in pursuance of the tubewell connection applied for by the petitioner for which further two transactions of an amount of Rs.30,000/- each were made on 30.03.2019. It was also his case that an amount of Rs.1,72,565/- was also deposited by the petitioner with the DHBVN on 19.08.2021 against proper receipt for the meter, poles and wires and that the petitioner had purchased two motors each worth Rs.44,000/- and the DHBVN had erected poles on the berm of watercourse in Khasra No.366/16 (1 pole), 366//17 (2 poles), 365//13 (1 pole) from East to West and existence of watercourse (in the chak of outlet RD 101140/L, Hisar Major Distributory) on the berm of which said poles have been erected, is proved from Aks-Shizra of Hisar Major Distributory. It is further stated that the existence of running watercourse and its berm was also evident from the report of Patwari Halqa, Hansi dated 10.05.2022 and the demarcation report dated 16.05.2022. On the basis of the said pleas and other averments, the application under Order 1 Rule 10 was filed. The said application was opposed by the plaintiffs. The trial Court however dismissed the said application vide the impugned order which has been challenged before this Court.

10. From the facts and circumstances of the present case, it is apparent that even as per the case of the plaintiffs, the electric poles etc.



have been installed in pursuance of the application filed by the petitioner and in order to provide electric connection to the petitioner. In case any injunction is granted against defendants No.1 and 2, who are the officials of the DHBVN, then, the same would necessarily prejudice the rights of the petitioner. In the said circumstances, it would be appropriate that the present petitioner should be made a party to the said suit. It would be relevant to note that the case is at an initial stage and it is not disputed before this Court that even the issues have not been framed. There is already an ad-interim order in favour of the plaintiffs. The impleadment of the petitioner as a party would help in properly and finally adjudicating the case and would also benefit the plaintiffs, as any judgment passed, in which the petitioner is also a party would be binding on all the parties concerned including the petitioner.

11. In view of the above-said facts and circumstances, the present revision petition is allowed and the impugned order dated 22.11.2022, passed by the Civil Judge (Junior Division), Hansi, is set aside and the application filed by the petitioner under Order 1 Rule 10 read with Section 151 CPC is allowed and the petitioner is directed to be impleaded as a party/defendant No.3 in the suit. The petitioner would file the written statement within a period of three weeks from today.

April 07, 2026

naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	Yes