



CR-5889-2025 (O&M)

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

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**CR-5889-2025 (O&M)
Decided on:- 05.09.2025**

Varinder Dass and AnotherPetitioners

VERSUS

Punjab State Power Corporation Ltd. and Others ...Respondents

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. G.P.Vashisth, Advocate for the petitioners.

Mr. Vivek K. Thakur, Advocate for respondent Nos. 1 to 3.

Ms. Nisha, Advocate for respondent No.4/Caveator.

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MANDEEP PANNU J.

1. Present revision petition has been filed by the petitioners/plaintiffs seeking to set aside the order dated 10.07.2025 passed by the learned Trial Court whereby the application filed under Order I Rule 10 CPC by the applicant, Dharamshala Guru Granth Sahib, through its duly constituted committee, for impleadment as a party to the suit, has been allowed.

Brief Facts

2. The case set up by the petitioners/plaintiffs is that they filed a suit for permanent injunction against the defendants–Punjab State Power Corporation Limited (PSPCL)–seeking to restrain the defendants, their agents, servants, or anybody claiming under them, from disconnecting or shifting the electric tube-well connection bearing No. NK–414 of 15 HP, standing in the name of their father late Sh. Durga Dass. The said connection is installed in land measuring 39 kanals 5



marlas, owned and possessed by the plaintiffs, as detailed in the headnote of the plaint and as per Jamabandi for the year 2017–18.

3. It was pleaded that the said tube-well connection was initially of 5 HP capacity and was later enhanced to 15 HP. After the death of Durga Dass, the plaintiffs, being his sons, have been using the said connection for irrigation of their land. According to the plaintiffs, the defendants had no right to disconnect or shift the tube-well connection, though threats were being extended in this regard, necessitating the filing of the present suit.

4. Upon notice, the defendants appeared and filed a written statement admitting that the connection was in the name of Durga Dass and was enhanced from 5 HP to 15 HP. However, it was pleaded that the SDM, Phagwara, vide letter No. 267 dated 13.07.2023, had directed PSPCL to change the name of the connection from Durga Dass to the receiver appointed by the Court and to shift the motor starter near the location of the motor. It was contended that before compliance of the said order, the plaintiffs filed the instant suit. Thus, PSPCL claimed that it was bound to act as per directions of the SDM/Receiver.

5. During pendency of the suit, an application under Order I Rule 10 CPC was filed by Dharamshala Guru Granth Sahib, Phagwara, through its Committee, seeking to be impleaded as a party. It was pleaded that the applicant is a duly registered body and is in possession of land measuring 115 kanals 18 marlas adjoining the plaintiffs' land. It was further averred that late Mahant Durga Dass was appointed as Sewadar of the Dharamshala by the Bedian community in the year 1938 and remained so till his death in 1990. According to the applicant, the disputed electric connection was obtained by Durga Dass in his capacity as Mahant



of the Dharamshala and was installed for irrigation of the Dharamshala's land and not in his personal capacity.

6. It was further pleaded that long-standing litigation existed between the applicant and the plaintiffs with respect to the suit land and allied matters. In one such case, the Court of SDM, Phagwara, appointed Naib Tehsildar, Phagwara, as receiver, who vide letter dated 13.07.2023, directed PSPCL to transfer the connection in the name of receiver and to shift the motor starter back to its original site within the Dharamshala land. It was, thus, contended that the applicant had direct interest in the connection and was a necessary party.

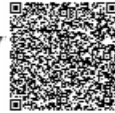
7. The application was contested by the plaintiffs denying that the applicant had any right, title or interest in the disputed connection. It was their stand that the connection was installed by Durga Dass in his individual capacity for irrigation of his personal land measuring 39 kanals 5 marlas and not for Dharamshala land.

Findings of the Trial Court

8. After hearing both sides, the learned Trial Court allowed the application holding that the actual dispute regarding the electric connection is between the plaintiffs and the applicant. While the plaintiffs claim that Durga Dass obtained the connection in his personal capacity, the applicant claims that it was obtained by him as Mahant for Dharamshala land. The Trial Court held that presence of the applicant was necessary for effective adjudication and to avoid multiplicity of litigation.

Submissions of learned counsel for the petitioners

9. Learned counsel for the petitioners has argued that the Trial Court erred in impleading the applicant because the suit is one for injunction against



PSPCL and no relief has been claimed against Dharamshala. It is urged that impleadment of the applicant would change the nature of the suit and unnecessarily widen the controversy. Counsel further placed reliance on the judgment of a Coordinate Bench of this Court in *Malkit Singh v. Naib Singh and others, 2025 NCPHHC 16600*, wherein it was held that a person who is neither a necessary party nor a proper party and against whom no relief is claimed, cannot be impleaded in a suit for permanent injunction.

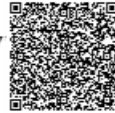
Findings of this Court

10. I have considered the submissions and carefully perused the record.

11. It is undisputed that the disputed electric connection was in the name of late Durga Dass. The entire controversy revolves around the capacity in which Durga Dass obtained the said connection, whether in his personal capacity as owner of 39 kanals 5 marlas of land, as contended by the plaintiffs, or in his representative capacity as Mahant of Dharamshala for its 115 kanals 18 marlas of land, as contended by the applicant.

12. The applicant has also placed reliance on directions issued by the SDM/Receiver dated 13.07.2023 directing PSPCL to transfer the connection in the name of receiver and to shift the motor starter to its original place. These circumstances prima facie establish that the applicant has a direct and substantial interest in the outcome of the litigation.

13. Order I Rule 10 CPC confers discretion upon the Court to implead a person whose presence is necessary to enable the Court to effectually and completely adjudicate upon and settle all the questions involved in the suit. The test laid down is whether the person sought to be impleaded is a necessary or



proper party, whose presence would avoid multiplicity of proceedings and ensure complete adjudication of the issues.

14. The reliance placed by learned counsel for the petitioners on *Malakit Singh (supra)* is misplaced. In that case, the proposed party had no direct interest in the subject matter of the suit for injunction, nor was there any possibility of his rights being affected by the decree. In contrast, in the present case, the very foundation of the dispute is whether the electric connection was obtained by Durga Dass in his personal capacity or in his capacity as Mahant for Dharamshala land. The decision of shifting or non-shifting of the connection will directly affect the rights of the applicant. Thus, unlike Malkeet Singh, the applicant here is clearly a necessary party.

15. In the present case, the dispute regarding the electric connection cannot be decided in the absence of the applicant, because any finding on the issue of ownership, capacity of Durga Dass, and entitlement to the connection will directly affect the rights of the applicant. If the applicant is not impleaded, there is a real likelihood of conflicting decisions in parallel proceedings.

16. The argument of the petitioners that impleadment changes the nature of the suit is untenable. The relief of injunction against PSPCL is inherently linked with determination of the true beneficiary of the disputed electric connection. Since the applicant asserts that the connection was for Dharamshala land, its impleadment is necessary to settle the controversy.

17. Thus, the learned Trial Court rightly exercised jurisdiction in allowing the application under Order I Rule 10 CPC. The order suffers from no illegality or material irregularity warranting interference in revisional jurisdiction.

**Conclusion**

18. In view of the foregoing discussion, this Court holds that the applicant—Dharamshala Guru Granth Sahib—is a necessary party to the proceedings, as its presence is essential for effectual and complete adjudication of the controversy regarding the disputed electric connection. The learned Trial Court has rightly allowed the application under Order I Rule 10 CPC, and the impugned order calls for no interference.

19. Consequently, the revision petition is dismissed.

20. Pending application(s), if any, also stand disposed of.

September 05, 2025
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(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No