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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12006/2015**

PALLAV MONGIA

..... Petitioner

Through Mr Ashish Virmani, Advocate.

versus

UNION OF INDIA & ANR

..... Respondent

Through Mr Anurag Ahluwalia, CGSC with
Ms Tejaswita and Mr Abhigyan Siddhant,
Advocates with Mr Deevyendu Ameta, DGCA
for UOI.

Dr Amit George, Mr Simranjeet Singh,
Mr Mukesh Kumar, Advocates for R2/Applicant
AIR India.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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09.03.2018

CM No. 7120/2018

1. This is an application filed on behalf of the respondent no.2 seeking modification of the order dated 02.02.2018 of this Court inasmuch as it records the submission made on behalf of respondent no.2 that “*not permitting a passenger holding confirmed tickets to board a flight would amount to deficiency of service*”.

2. Admittedly, the aforesaid contention was advanced on behalf of respondent no.2. Respondent no.2/applicant (Air India Limited) now seeks to resile from the said statement and contend to the contrary. The question whether “not permitting a passenger holding confirmed tickets to board a flight would amount to deficiency of service” was debated and the

contentions advanced by the counsel for the respondents were with full responsibility.

3. It was the petitioner's contention that the CAR impugned in the present petition was seeking to limit the said liability. This contention was stoutly contested by the learned counsel appearing for respondent no.2 and this Court concurred with the contentions as advanced on behalf of respondent no.2. This Court is also of the view that the submission made on behalf of respondent no.2 was merited; it can hardly be contended that not permitting a passenger to board a flight despite the passenger holding a confirmed ticket is good service. Thus, it would not be apposite to permit respondent no.2 to now urge to the contrary.

4. The learned counsel appearing for respondent no.2 has also relied upon the judgment of the Supreme Court in ***Himalayan Coop. Group Housing Society v. Balwan Singh and Others: (2015) 7 SCC 373*** and has drawn the attention of this Court to paragraph 32 of the said decision. As stated above, the arguments advanced by respondent no.2 were to oppose the prayers being made by the petitioner. The contentions advanced were responsible and were found to be merited. In this view, the aforesaid judgment is of little assistance to respondent no.2.

5. The application is dismissed.

VIBHU BAKHRU, J

MARCH 09, 2018/pkv