

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 525 OF 2018****STATE OF GOA, THR. THE CHIEF
SECRETARY AND ANR.,****... Petitioners****Versus****SECURITY PRINTING AND MINTING
CORPORATION OF INDIA LTD., REP. BY
CHAIRMAN, PRAVIN GARG.,****... Respondent**

Adv. Amey Jagdish Sinai Kakodkar with Adv. A.Godinho for the Petitioners.
Adv. V. Toraskar holding for Adv. Shri Prasad Rao. for the Respondent.

Coram:- C. V. BHADANG, J.**Date:- 13th February 2019.****Oral Order:**

The petitioners/plaintiffs have filed a civil suit against the respondent for recovery of an amount of Rs.100 crores towards damages. The case made out in the plaint is that the plaintiffs had given a contract to the respondent for manufacturing of commemorative medals at the Lusofonia Games in the year 2014 and according to the petitioner, the commemorative medals supplied were defective. The claim for damages is on account of the supply of defective commemorative medals.

2. It appears that an office objection was raised in the suit that the Union of India is a necessary party. The learned trial court after hearing the learned

counsel for the petitioners by the impugned order dated 7/2/2018 has held that the respondent/corporation is a government department and hence the Union of India is a necessary party. Feeling aggrieved the petitioner is before this Court.

3. I have heard Shri Kakodkar, the learned counsel for the petitioner and Mr. Toraskar, the learned counsel for the respondent.

4. On behalf of the petitioner reliance was placed before the learned trial court on the decision of the Supreme Court in the case of **Dr. S. L. Aggarwal Vs. The General Manager, Hindustan Sterl Ltd. 1970 (1) Supreme Court Cases 177**. The learned Trial Court found that the said case was distinguishable. Be that as it may, In my considered view the suit can be directed to be registered subject to the objection. In any event it is the petitioner who runs the risk of an adverse order in the event it is found that the Union of India is a necessary party to the suit. In an appropriate case it is always open to the trial court to frame such an issue which can then be decided at the trial. In that view of the matter, the impugned order is hereby set aside. The trial court shall proceed to register the civil suit. It will be open for the trial court to frame an appropriate issue on the aspect of the suit being bad for non joinder of necessary parties on such a contention being

raised on behalf of the respondents. The petition is disposed off in the aforesaid terms with no order as to costs. All the rival contentions of the parties are left open.

C. V. BHADANG, J.

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