

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.116

Case No. : CR-3959-2023 (O&M)

Date of Decision : August 03, 2023

M/s Gurunanak Electricals Engg.
and Construction Company, Ratia Petitioner
vs.

Babli and others Respondents

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. Yogesh Vashista, Advocate
for the petitioner.

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GURBIR SINGH, J. :

1. **CM-13336-C-II-2023** : This is application under Section 151 CPC, 1908 for placing on record the application dated 10.11.2022 (Annexure P-2). For the reasons mentioned in the application, the same is allowed and application dated 10.11.2022 is ordered to be taken on record as Annexure P-2.

2. **Main Case** : Challenge in this revision petition filed under Article 227 of the Constitution of India is to order dated 27.02.2023 (Annexure P-1), passed by learned Additional Civil Judge (Senior Division), Tohana (hereinafter referred to as – the Trial Court) in Civil Suit No.265 of 2021, whereby the petitioner has been wrongly impleaded as a party to the suit.

3. Learned counsel for the petitioner has submitted that husband of respondent no.1/plaintiff died. She filed a suit for damages. The

petitioner had no role in the fatal accident, in which husband of respondent no.1 died. The petitioner was given only a contract by Municipal Corporation, Tohana for maintenance of street lights and high mast lights within the limits of Municipal Corporation of Tohana. He has further submitted that in case of electrocution, it is either electricity department or Municipal Corporation, which are necessary parties and may be held responsible. The petitioner is not at all a necessary party and has been wrongly impleaded as a party to the suit.

4. Heard.

5. The application dated 10.11.2022 (Annexure P-2) was moved on the ground that FIR was registered and after investigation, Rohit Kumar Chug son of Madan Lal, Proprietor of M/s Gurunanak Electricals Engg. and Construction Company, Ratia, has been challaned under Section 304-A IPC. The liability of Rohit Kumar Chug is co-existent with the other defendants. Since the defendants gave their 'no objection' to the application, the same was allowed vide impugned order dated 27.02.2023 (Annexure P-1). The merits of the case are not to be discussed, at this stage. It is the admitted case that the contract of maintenance of electricity lights in the area, where the accident took place, was with the petitioner. So, in the suit filed for damages by the respondents/plaintiffs on account of death of husband of respondent no.1, negligent act is required to be independently proved in the case. Therefore, the petitioner as Contractor of maintenance, cannot be considered as a stranger. He is, without any doubt, necessary and proper party.

6. In view of above, since the impugned order passed by learned

Trial Court is in accordance with law and no ground is made out to set aside the same, there is no merit in the present revision petition and the same is accordingly dismissed.

7. However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

8. Pending applications, if any, shall stand disposed of along with this judgment.

August 03, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.