

RAVI KUMAR Vs. BSES YAMUNA POWER LIMITED AND ANR

16.02.2023

Present : Mr. Mahender Kumar, Counsel for plaintiff
Ms. Ritu Gupta with Ms. Sanjay Vashisth, Counsel for defendant
No.1 along with Sr. DGM(Legal) Mr. Mukesh Kumar.
ASI Rajender Singh, PS Harsh Vihar. He has filed complete
charge sheet along with report. Copy supplied to D-1.

In between applications filed on 03.01.2023 under Order 1 rule
10 CPC and under Order 6 rule 17 CPC along with proposed amended plaint.
Copy already supplied as stated by Ld. Counsel for defendant No.1 Ms. Ritu
Gupta.

Ld. Counsel for D-1 states that he has no objection if the
application of plaintiff filed under Order 1 rule 10 CPC be allowed.

Heard arguments on plaintiff's application under Order 1 Rule 10
CPC dated 03.01.2023. Two tests are to be satisfied for determining the
question who is a **necessary party**. Tests are - (1) there must be a right to some
relief against such party in respect of the controversies involved in the
proceedings (2) no effective decree can be passed in the absence of such party.
For deciding the question who is a **proper party** in a suit, the guiding principle
is that the presence of such a party is necessary to adjudicate the controversies
involved in the suit.

This court observes that the maintenance of pole in question was
with M/s Cheena & Co. acting through Tejpal Singh and the Insurer of the said
pole was SBI GIC Ltd. The presence of the proposed applicants/defendants is
necessary for effectual adjudication of the matter in controversy. Hence, the
application stands allowed. The proposed defendants mentioned in para no. 1&2

of the said application are hereby impleaded as additional defendants. **Amended memo be filed by plaintiff within a week.**

Issue summons of the suit upon newly defendants No.3 - M/s Cheena & Co. and defendant No.4 - SBI General Insurance Co. Ltd. through all modes including e-mode i.e. whatsapp/email/fax and on filing of PF/RC-AD/speed post/courier within 7 days, returnable for the next date of hearing.

List the matter for report over service qua defendants No.3&4 and for arguments on application of plaintiff under Order 6 rule 17 CPC on 02.05.2023.

(Ravinder Bedi)
Add District Judge-02/Shahdara
KKD Courts, Delhi: 16.02.2023

RUMA AND ORS Vs. BSES YAMUNA POWER LIMITED AND ANR

16.02.2023

Present : Mr. Mahender Kumar, Counsel for plaintiffs with plaintiff No.1 Ruma in person.
Ms. Ritu Gupta with Ms. Sanjay Vashisth, Counsel for defendant No.1 along with Sr. DGM(Legal) Mr. Mukesh Kumar.
ASI Rajender Singh, PS Harsh Vihar. He has filed complete report. Copy supplied to D-1.

In between applications filed on 03.01.2023 under Order 1 rule 10 CPC and under Order 6 rule 17 CPC along with proposed amended plaint. Copy already supplied as stated by Ld. Counsel for defendant No.1 Ms. Ritu Gupta.

Ld. Counsel for D-1 states that he has no objection if the application of plaintiff filed under Order 1 rule 10 CPC be allowed.

Heard arguments on plaintiff's application under Order 1 Rule 10 CPC dated 03.01.2023. Two tests are to be satisfied for determining the question who is a **necessary party**. Tests are - (1) there must be a right to some relief against such party in respect of the controversies involved in the proceedings (2) no effective decree can be passed in the absence of such party. For deciding the question who is a **proper party** in a suit, the guiding principle is that the presence of such a party is necessary to adjudicate the controversies involved in the suit.

This court observes that the maintenance of pole in question was with M/s Cheena & Co. acting through Tejpal Singh and the Insurer of the said pole was SBI GIC Ltd. The presence of the proposed applicants/defendants is necessary for effectual adjudication of the matter in controversy. Hence, the

application stands allowed. The proposed defendants mentioned in para no. 1&2 of the said application are hereby impleaded as additional defendants. **Amended memo be filed by plaintiff within a week.**

Issue summons of the suit upon newly defendants No.3 - M/s Cheena & Co. and defendant No.4 - SBI General Insurance Co. Ltd. through all modes including e-mode i.e. whatsapp/email/fax and on filing of PF/RC-AD/speed post/courier within 7 days, returnable for the next date of hearing.

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