

CS 119/24
DEEPAK KUMAR Vs. DEVRAT SHARMA

05.06.2026

Present: Ms. Anita Dhingra, Ld. Counsel for plaintiff.
Sh. VK Singh, Ld. Counsel for defendant no. 1.
Defendant no. 2 is exparte.
Sh. Abhishek Kumar, Ld. Counsel for
MCD/defendant no. 3.

Reply to the application of defendant no. 1 filed under Order 1 Rule 10 CPC filed. Copy supplied.

Arguments heard.

The plaintiff has filed the present suit seeking damages of Rs.10 lacs. It is the case of the plaintiff that he had taken a premises on rent from defendant no. 1. Similarly, defendant no. 2 was also a tenant under the said defendant and was running a shop where he was doing the job of repairing refrigerator, AC Compressors. A blast occurred in one of the compressor resulting into grievous injuries to the plaintiff. A case under Section 304A IPC has been registered against defendant no. 2.

The plaintiff also filed a petition before the Labour Court which is also pending trial.

It is submitted by Ld. Counsel for defendant no. 1 that the said defendant is the son of the owner of the property and has nothing to do with the suit property. It is further informed that the mother of defendant no. 1 Smt. Madhu Bala is the actual owner of the said suit property. Per contra, Ld. Counsel for plaintiff submits that he was managing the entire affairs of the property

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collecting rents etc. and even the electricity meter installed in the disputed premises was in his name and hence, he is a necessary party.

Even if the arguments of the Ld. Counsel for plaintiff are accepted on their face, at the most, defendant no. 1 was acting as a manager of the suit property. He or the owner has been impleaded as party to invoke vicarious liability alongwith defendant no. 2 because of whose negligence the incident took place. In any case, vicarious liability if any, can at the most be of the owner and not of the manager.

In the background of the above facts, it is apparent that defendant no. 1 has been wrongly impleaded as defendant in the present case and accordingly, the application is allowed and the name of defendant no. 1 is deleted from the array of the parties. However, the mother of defendant no. 1 who is the owner of the suit property namely Smt. Madhu Bala is directed to be impleaded as a party so as vicarious liability if any, can be fastened against her.

Ordered accordingly. Application disposed of.

Amended plaint alongwith amended memo of parties be filed and only thereafter, the newly impleaded defendant be summoned.

Put up for further proceedings on 15.07.2026.

(SANJAY SHARMA-I)
Principal District & Sessions Judge,
North-East District, KKD, Delhi/05.06.2026