

Order below Exh.30 in Civil M.A. No.02/2017

(Passed on 18th of July, 2026)

1] The present application was filed under Order I Rule 10(2) of the Code of Civil Procedure, 1908 seeking impleadment of the Collector, Wardha as Non-applicant No.2 in proceedings instituted under Sections 16(3) and 16(4) read with Section 10(d) of the Indian Telegraph Act, 1885 for determination of compensation arising out of the erection of electric poles/towers and laying of transmission lines.

2] The applicant contended that the Collector is the competent statutory authority under the Indian Telegraph Act, 1885 for determination of compensation and was not impleaded at the time of filing the proceedings due to an inadvertent and bona fide omission. It was further submitted that the presence of the Collector is essential for complete and effective adjudication of the dispute and that no prejudice would be caused to the existing non-applicant by such impleadment.

3] The non-applicant opposed the application on the ground that it had been filed at a highly belated stage, after the applicant had concluded evidence and when the matter was fixed for defence evidence. According to the non-applicant, the application was intended only to delay the proceedings.

4] Heard both sides and perused the record. Order I Rule 10(2) CPC empowers the Court to implead any person whose presence is necessary or proper for the effective and complete adjudication of the issues involved. Since the proceedings relate to determination of compensation under the Indian Telegraph Act, 1885, the presence of the Collector,

being the competent statutory authority, is necessary for proper adjudication. Mere delay in filing the application is not a sufficient ground to reject it where the proposed party is found to be a necessary party and no serious prejudice would be caused to the existing non-applicant. However the present applicant is directed to stake steps immediately to add the proposed party, so as to avoid the further delay in the matter.

Order

- (i) The application at Exh.30 is allowed.
- (ii) The Collector, Wardha, Tahsil and District Wardha, be impleaded as Non-applicant No.2 in the present proceedings. Maharashtra State Electricity Transmission Company Limited, through its Executive Engineer, shall continue to be shown as Non-applicant No.1.
- (iii) The applicant is permitted to carry out necessary consequential amendments in the cause title and other relevant pleadings within seven days from the date of this order.

Dated: 18.07.2026.

(S.A.S.M. Ali)
District Judge-2,
Wardha.