

State of H.P. & others Versus Partap Singh & others

RFA No.115 of 2010 a/w
Cr. Objection No.287 of 2012

10.10.2022 Present: M/s Sumesh Raj, Sanjeev Sood, Additional Advocates General, with Mr. Amit Kumar Dhumal, Deputy Advocate General, for appellants No.1 to 3.

Mr. Ashir Kaith, Advocate, vice Mr. Hamender Singh Chandel, Advocate, for appellant No.4 and for applicant in CMP No.7575 of 2020.

Mr. Suneel Kumar, Advocate, for respondents No.1, 2 (a) to 2 (e), 3 to 5, 6 (iii), 6 (v) and 6 (xvii), 7 to 9, 11 to 13 and 15 to 18.

Respondent No.10 is stated to have died.

Name of respondent No.14 stands deleted.

CMP No.7575 of 2020

By way of this application which has been filed under Order 1, Rule 10(2) of the Code of Civil Procedure, a prayer has been made for transposing the applicant, i.e. Shimla Jal Prabandhan Nigam Limited, as appellant in place of Municipal Corporation, Shimla. It stands averred in the application that during the pendency of this appeal, a new entity stands constituted and the entire area falling within the territorial jurisdiction of Municipal Corporation, Shimla alongwith

assets and liabilities relatable to the issue of water and sewerage network in the Corporation area stands vested in the Shimla Jal Prabandhan Nigam Limited. In this background, a prayer has been made by the applicant to transpose it in place of Municipal Corporation, Shimla, because as per the applicant, now it is it who shall be affected by the outcome of the present appeal and not the Municipal Corporation, Shimla.

Learned Counsel appearing for the non-applicant/ respondents No.1, 2 (a) to 2 (e), 3 to 5, 6 (iii), 6 (v) and 6 (xvii), 7 to 9, 11 to 13 and 15 to 18 as well as learned Additional Advocate General for non-applicants/appellants No.1 to 3 submit that the application be allowed subject to all just exceptions.

Having heard learned Counsel for the parties and having perused the averments made in the application, the same is allowed as prayed for and Shimla Jal Prabandhan Nigam Limited is substituted as appellant in place of Municipal Corporation, Shimla, subject to all just exceptions. The application stands disposed of accordingly.

-3-

RFA No. 115 of 2010

Amended memo of parties be filed within a
period of one week.

List in due course.

(Ajay Mohan Goel)
Judge

October 10, 2022
(Rishi)