

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO.14257 OF 2013

S.D.E. PUBLIC HEALTH, BARWALA

PETITIONER(S)

VERSUS

ROOP CHAND

RESPONDENT(S)

O R D E R

Heard learned counsel for the petitioner but we see no reason to interfere with the impugned order as it could not be disputed that the damage caused to the building on account of the grave lapse of the petitioner resulted into cracks causing damage to the building in which the respondent was residing.

The special leave petition is, therefore, dismissed.

Learned counsel submits that the costs of Rs.50,000/- imposed on the petitioner should be waived.

However, we see no reason to entertain this prayer also as the respondent had to incur expenses on the litigation which was on account of creation of the act of negligence on the part of the petitioner.

In that event, if the respondent has been indemnified by way of cost towards the litigation expenses, the same cannot be held to be unjustified, so as to waive the same.

The cost in our view is also exemplary in nature, which should be a warning signal to the petitioner to be vigilant in future.

...2/-

-2-

However, learned counsel prays that the time for depositing the costs as imposed by the Commission be extended by a further period of three months which is granted. Ordered accordingly.

.....J.
(GYAN SUDHA MISRA)

.....J.
(J. CHELAMESWAR)

NEW DELHI
APRIL 25, 2013.

ITEM NO.3

COURT NO.12

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).14257/2013

(From the judgement and order dated 19/02/2013 in RP No.400/2013 of The NATIONAL CONSUMERS DISPUTES REDRESSAL COMMISSION, NEW DELHI)

SDE, PUBLIC HEALTH, BARWALA

Petitioner(s)

