

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8176 OF 2016
(Arising out of SLP (C) No. 8751 of 2012)

O.P.VERMA

APPELLANT

VERSUS

SHAHMAL & ORS.

RESPONDENTS

J U D G M E N T

KURIAN, J.

Leave granted.

2. The appellant is before this Court aggrieved by the impugned judgment of the High Court whereby the High Court declined to interfere with the order passed by the Trial Court on a petition under Order 39 Rule 2A CPC filed by the respondents-plaintiffs, imposing a penalty of imprisonment for a period of one month.

3. The issue pertains to the demolition of a building. According to the appellant, who was at the relevant time working as a Junior Engineer, he had only implemented the order passed by the Commissioner and Joint Commissioner, Municipal Corporation, Faridabad, and that too under the direct supervision of superior officers.

4. It is seen that the Commissioner and Joint Commissioner, Municipal Corporation, Faridabad were discharged in the proceedings and only the appellant was visited with the punishment.

5. Despite, service of notice, there is no appearance for the contesting respondents who were plaintiffs before the Trial Court.

6. The learned counsel appearing for the State submits that the appellant had only discharged the directions under the supervision of the superior officers, who have been let off in the proceeding, the appellant may also be given the same treatment.

7. Having regard to the factual background as above, we are of the view that the appellant should succeed, since his superior officers, under whose supervision the contumacious action alleged against the appellant was committed have been let off. Therefore, the appeal is allowed. The impugned judgment is set aside. The appellant is discharged from all the charges, accepting the apology tendered by him in court.

.....J.
[KURIAN JOSEPH]

.....J.
[SHIVA KIRTI SINGH]

NEW DELHI;
AUGUST 17, 2016

JUDGMENT