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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision: 09th July, 2025*

+ CM(M) 1177/2025 & CM APPL. 39715-39716/2025

BSES RAJDHANI POWER LTD

.....Petitioner

Through: Mr. Harshal Arora, Advocate.

versus

DWARKA PARSHAD & ANR.

.....Respondent

Through: Mr. Gaurav Gaura with Mr. Vivek Gaur, Advocates for R-1.

Ms. Khushi Sachdeva, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Respondent No. 1-Mr. Dwarka Prashad has filed a suit for recovery of Rs. 1,97,40,000/- on account of the damages, he suffered from the accidental fire.
2. The fire in question took place on 14.04.2022.
3. According to plaintiff, the source and sole cause of fire was the pole, which led to distribution of electricity to his house. The fire was due to negligence on the part of the electricity provider i.e. BSES, as they had not removed the extraneous material such as cable TV fitting, hoardings etc. from such pole.
4. The plaintiff had also submitted several documents along with the plaint and, in the list of witnesses, he cited one valuer/contractor whom he wanted to examine in order to support his case.
5. Of course, the name of such valuer/contractor was not mentioned.
6. The case is already at the stage of plaintiff's evidence, and it was at that



stage of the case, that the plaintiff moved an application under Order VII Rule 14 (2) and Rule 14 (3) CPC.

7. He wanted to examine Mr. Shamshad Ali, who was working as consultant for *M/s Wood Green Constructions*. It is submitted that, said witness had prepared the quotations as per his expertise and said quotations remained with him under his care and custody during the preceding period. Now, since the abovesaid witness is to grace the witness box, an application was moved before the learned Trial Court with request to place on record such quotations prepared by said witness, Mr. Shamshad Ali.

8. Such application has been allowed by the learned Trial Court *vide* order dated 30.04.2025.

9. Such order is under challenge.

10. Learned counsel for petitioner/BSES apprehends that the quotations are manufactured ones and, therefore, there was no reason to have permitted such documents to be placed on record. He submits that, if at all, these were prepared before the institution of the suit, there was no one to prevent the plaintiff to have placed the same on record.

11. Fact, however, remains that the plaintiff has come up with a specific case and according to the case of the plaintiff, the negligence attributed on the part of the BSES is to the effect that the pole in question, through which the electricity was being supplied to the house of the plaintiff, was fitted with various hoardings, and fixtures which resulted in mishap in question.

12. Moreover, as per the list of the witnesses plaintiff wants to examine such valuer, *albeit*, as noticed already, the name of the valuer is not mentioned in the list.

13. Fact, however, remains, it is difficult to prejudge that such report is



manufactured or procured one.

14. Things would become clear only once the abovesaid witness enters into witness box and is permitted to make reference to the quotations etc. which had been, allegedly, prepared by him.

15. Learned Trial Court, keeping in mind the overall facts and circumstances of the case, has merely permitted the plaintiff to place abovesaid quotations on record so that when the witness enters into witness box, he is in a position to make reference to the abovesaid quotations prepared by him.

16. It is always open to defendant-BSES to impeach his testimony and credit worthiness by putting appropriate questions in cross-examination.

17. To that extent, there is no question of there being any real prejudice being caused to the defendant BSES.

18. In view of the above, this Court does not find any compelling reason to invoke its supervisory powers as the discretion seems to have been exercised by learned Trial Court in a judicious manner.

19. Petition stands disposed of in aforesaid terms.

20. All pending applications stand disposed of in aforesaid terms

(MANOJ JAIN)
JUDGE

JULY 9, 2025/sw/PB