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

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*Date of Decision: 30<sup>th</sup> April, 2025*

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CM(M) 181/2024 &amp; CM APPL. 5513/2024

MANMOHAN SINGH

.....Petitioner

Through: Mr. Jatin Rajput, Advocate.

versus

MOHD BASIR &amp; ANR.

.....Respondent

Through: Mr. Palvinder Singh and Mr. S.W.  
Nomani, Advocates for R-1 along with  
respondent No.1 in person.**CORAM:****HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. A claim petition has been filed by one Mr. Mohd. Basir (respondent No.1 herein) seeking compensation under Employees Compensation Act, 1923.
2. The claimant is seeking compensation from one Mr. Alok Jain in whose factory he was working as a mason. According to him, during such employment, he fell down from some height and got injured and claims that there were no adequate safety measures, which resulted in mishap. It is in the abovesaid factual backdrop that he has been forced to file a petition seeking claim from his employer.
3. The alleged employer participated in the proceedings and also moved an application under Order I Rule 10 CPC praying therein that one Mr. Manmohan Singh (petitioner herein), who was working as contractor, needed to be impleaded in the Claim Petition. According to employer, the claimant was working under the direct command of said contractor and, therefore, his presence is essential and crucial to determine the claim and liability. Undoubtedly, the averments made in said application indicate that the claimant was working under the supervision and command of said contractor.
4. However, when the abovesaid request was considered by the learned Commissioner, it has allowed the application, *albeit*, without giving any reason.



5. The impugned order dated 19.09.2023, merely, records that one application was filed to which reply had been filed by Mr. Manmohan Singh and without giving any further reason, the application has been allowed in the same stroke, with direction to supply him copy of petition so that he can file his written statement/reply. It also seems that no response to the abovesaid application was ever sought from the claimant, who is *dominus litis*.
6. The impugned order, being devoid of any reason, cannot sustain. Needless to emphasize that reason is the soul of justice as it, *inter alia*, facilitates the process of judicial review, by appellate/higher courts.
7. Resultantly, the present petition is disposed of with direction to learned Commissioner to decide the application afresh, by giving a reasoned order, after giving due opportunity of hearing to all the sides.
8. It is, however, clarified that this Court has not made any observation with respect to the fact whether said Mr. Singh needs to be impleaded or not and it will be entirely upto the learned Commissioner to take appropriate decision in this regard.
9. The petition stands disposed of in aforesaid terms.
10. Pending application also stands disposed of.

**(MANOJ JAIN)**  
**JUDGE**

**APRIL 30, 2025/ss/js**