

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
CIVIL APPLICATION (FOR JOINING PARTY) NO. 3 of 2024
In
R/WRIT PETITION (PIL) NO. 9 of 2024

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NIZAMA KALPESH S/O NIZAMA MAUBHAI

Versus

RE-MANAGEMENT OF THE WATER BODIES SUCH AS
RESERVOIRS/PONDS/RIVERS/LAKES IN THE STATE OF GUJARAT, & ORS.

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Appearance:

MR MEHUL B DHONDE for MR UTKARSH J DAVE(10620) for the PETITIONER(s)
No. 1

MR KAMAL TRIVEDI LD ADVOCATE GENERAL assisted by MR VINAY BAIRAGARA
ASSISTANT GOVERNMENT PLEADER for the RESPONDENT No. 3

MR PRAKASH JANI SR. ADVOCATE assisted by MR G H VIRK(7392) for the
RESPONDENT(s) No. 4

MR HEMANG M SHAH(5399) for the RESPONDENT(s) No. 1,2

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***CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA
AGARWAL***

and

HONOURABLE MR. JUSTICE PRANAV TRIVEDI

Date : 12/07/2024

IA ORDER

(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)

1. This is an application for impleadment filed by one of the victims of the tragedy occurred in 'Harni Lake/Motnath Pond' during a boating activity, which was conducted by the contractor namely, M/s. Kotia Projects. The impleadment applicant, namely the victim seeks impleadment of the Contractor and the School, to seek payment of exemplary damages from the erring persons.

2. The contention is that the M/s. Kotia Projects was entrusted with all administrative and operating functions pertaining to boating activities in 'Harni Lake/Motnath Pond' under a contract executed by

the Vadodara Municipal Corporation and is liable to pay exemplary damages to the victims. Similarly, the school, namely 'New Sunrise School,' which had organized picnic of 80 children, violating the norms and requirements of the government order issued by the State Government and the management of the school are also liable to pay compensation to the victims.

3. Taking note of the above submissions, we allow the instant application for impleadment of the applicant as intervener/respondent no. 3 and M/s. Kotia Projects and New Sunrise School, through the Managing Trustees, as other respondents in the Writ Petition.

Notice be issued to the newly impleaded respondents, namely M/s. Kotia Projects and New Sunrise School through the Managing Trustees, returnable on **09.08.2024**. The noticed be sent through R.P.A.D.

The office shall bear the cost for sending the notices to the aforesaid respondents.

The application is accordingly, disposed of.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

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