IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No.390 of 2026

Date of decision:07.08.2026

Geeta Devi ...Petitioner

Versus

Huzaifa (minor) & others ...Respondents

Coram:

The Hon'ble Mr. Justice Romesh Verma, Judge.
Whether approved for reporting?[1]

For the petitioner : Mr. Saurav Rattan, Advocate.

For the respondents : Mr. Servadaman Rathore, Advocate.

Romesh Verma, Judge (oral):

The instant petition arises out of an order passed by the learned Motor Accidents Claims Tribunal-I, Sirmaur District at Nahan (for short, "Tribunal"), dated 27.05.2026, whereby application filed by the owner of the vehicle under the provisions of Order 1 Rule 10 of the CPC for impleadment of Shri Mohit Kumar as a party-respondent has been ordered to be dismissed.

2. The facts, as emerge in the present case, are that respondent No.1 filed a claim petition against the present petitioner, Shri Yuvraj Chahal, and Zuno Private Car Bundled Insurance before the learned Tribunal. As per the case set up by the claimant-

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Whether reporters of Local Papers may be allowed to see the judgment?

respondent, the accident occurred on 04.12.2024 at 8:05 AM, when the injured was going to school with his father. When they reached near Jhansi Park, suddenly a vehicle, Mahindra Bolero bearing temporary No. T1024HP6455L, came from the backside in a rash and negligent manner and hit the injured and his father from behind. As per the claimant, he sustained multiple grievous injuries in the aforesaid accident. It is the case of the claimant that the accident took place on account of the rash and negligent driving of the car driver, namely Shri Yuvraj Chahal (respondent No.2). Therefore, the petition was filed by respondent No.1, seeking compensation to the tune of Rs.40,00,000/- along with interest at the rate of 12% per annum from the date of the petition till its realization from the present petitioner.

3. Notices were issued to the owner, driver and the insurance company. Before filing reply to the claim petition, the owner/present petitioner filed an application under the provisions of Order 1 Rule 10(2) of the CPC for impleading Shri. Mohit Kumar as one of the party-respondents.

4. In the application, it has been contended that the allegation of the accident having taken place with the vehicle of the present petitioner is absolutely false and fabricated. It has been alleged that the accident did not occur with the vehicle of the present petitioner at all and her vehicle has been falsely shown only to obtain illegal compensation. Further, it has been contended that on

04.12.2024, respondent No. 2, Yuvraj Chahal, was not driving the vehicle in question at all, therefore, the allegation of rash and negligent driving by him is wholly incorrect. In fact, Smt. Geeta Devi, the registered owner of the vehicle, had employed Shri Mohit Kumar, son of Shri Deepak Kumar, R/o House No. 216/13, Balmiki Basti, Katcha Tank, Nahan, as her authorized driver, after duly checking his driving license and verifying his competence to drive. Under such circumstances, the application came to be filed by the owner/present petitioner with the prayer that Shri Mohit Kumar may be impleaded as a party-respondent (driver) in the proceedings.

5. The said application was resisted by the claimant-respondent, and all averments as made in the application were flatly denied and refuted.

6. The learned Tribunal, vide its impugned order dated 27.05.2026, dismissed the application filed by the petitioner. Feeling dissatisfied, the owner/petitioner has approached this Court, assailing the said impugned order.

7. It is contended by the learned counsel for the owner/petitioner that the impugned order passed by the learned Tribunal is erroneous and liable to be quashed and set aside. He submits that the learned Tribunal has not taken into consideration the factual matrix of the case, and since Shri Mohit Kumar is a necessary

party, therefore, he should have been added as a party-respondent. He further submits that after allowing the present petition, the application filed under Order 1 Rule 10 of the CPC deserves to be allowed.

8. On the other hand, Mr. Servadaman Rathore, learned counsel for the respondents, has defended the impugned order. He submits that the learned Tribunal has passed a well reasoned order and has rightly invoked the provisions of Order 1 Rule 10 by declining the prayer made by the owner/present petitioner.

9. I have heard the learned counsel for the parties and have also gone through the case file.

10. It has emerged from the case file that in the FIR registered on account of the accident which occurred on 04.12.2024, the name of the driver has been shown as Shri Yuvraj Chahal. As admitted by the learned counsel for the parties, there is no reference of Shri Mohit Kumar in the said FIR in any manner. Therefore, the findings returned by the learned Tribunal are legal, valid, and sustainable. Primarily, the claimant-respondent has filed the claim petition by placing reliance on the FIR, from where he obtained the name of the driver and impleaded him as a party-respondent.

11. The learned counsel for the petitioner has failed to substantiate or corroborate any material which may demonstrate that

Shri Mohit Kumar was the driver of the vehicle in question at the relevant time. Even otherwise, as rightly contended by the learned counsel for the respondents, the claimant/petitioner, being the *dominus litis*, has the prerogative to array the parties as respondents. He further submits that in case there is any ambiguity or irregularity in arraying any person as a party-respondent, the claimant shall suffer the consequences thereof.

12. As per the facts enumerated in the present case, the FIR discloses the name of respondent No. 2 as the driver of the vehicle in question. Therefore, the question of arraying Shri Mohit Kumar as a party-respondent does not arise.

13. As stated earlier, no material has been placed on record to strengthen the case of the petitioner that instead of Yuvraj Chahal, Mohit Kumar was driving the vehicle. In the absence of any evidence placed on record, this Court is in agreement with the findings returned by the learned Tribunal and the same do not call for any interference.

14. The Hon'ble Apex Court has repeatedly held that while exercising supervisory jurisdiction under Article 227 of the Constitution of India, the High Court does not act as an Appellate Court to interfere with the orders passed by subordinate Courts.

15. Hon'ble Apex Court in ***Civil Appeal No. 2226 of 2010***, titled ***State of Haryana & others*** vs. ***Manoj Kumar***, decided on 09.03.2010 has held as follow:-

> *"23. More than half a century ago, the Constitution Bench of this court in Nagendra Nath Bora and Another v. Commissioner of Hills Division and Appeals, Assam & Others AIR 1958 SC 398 settled that power under Article 227 is limited to seeing that the courts below function within the limit of its authority or jurisdiction.*
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> *24. This court placed reliance on Nagendra Nath's case in a subsequent judgment in Nibaran Chandra Bag v. Mahendra Nath Ghughu AIR 1963 SC 1895. The court observed that jurisdiction conferred under Article 227 is not by any means appellate in its nature for correcting errors in the decisions of subordinate courts or tribunals but is merely a power of superintendence to be used to keep them within the bounds of their authority.*
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> *25. This court had an occasion to examine this aspect of the matter in the case of Mohd. Yunus v. Mohd. Mustaqim & Others (1983) 4 SCC 566. The court observed as under:-*
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> *"The supervisory jurisdiction conferred on the High Courts under Article 227 of the Constitution is limited "to seeing that an inferior Court or Tribunal functions within the limits of its authority," and not to correct an error apparent on the face of the record, much less an error of law. for this case there was, in our opinion, no error of law much less an error apparent on the face of the record. There was no failure on the part of the learned Subordinate Judge to exercise jurisdiction nor did he act in disregard of principles of natural justice. Nor was the procedure adopted by him not in consonance with the procedure established by law. In exercising the supervisory power under Article 227, the High Court does not act as an Appellate Court or Tribunal. It will not review or reweigh the evidence upon which the*

determination of the inferior court or tribunal purports to be based or to correct errors of law in the decision."

26. This court again clearly reiterated the legal position in Laxmikant Revchand Bhojwani & Another v. Pratapsing Mohansingh Pardeshi (1995) 6 SCC 576. The court again cautioned that the High Court under Article 227 of the Constitution cannot assume unlimited prerogative to correct all species of hardship or wrong decisions. It must be restricted to cases of grave dereliction of duty and flagrant abuse of fundamental principles of law or justice, where grave injustice would be done unless the High Court interferes.

27. A three-Judge Bench of this court in Rena Drego (Mrs.) v. Lalchand Soni & Others (1998) 3 SCC 341 again abundantly made it clear that the High Court cannot interfere with the findings of fact recorded by the subordinate court or the tribunal while exercising its jurisdiction under Article 227. Its function is limited to seeing that the subordinate court or the tribunal functions within the limits of its authority. It cannot correct mere errors of fact by examining the evidence and reappreciating it.

28. In Virendra Kashinath Ravat & Another v. Vinayak N. Joshi & Others (1999) 1 SCC 47 this court held that the limited power under Article 227 cannot be invoked except for ensuring that the subordinate courts function within its limits.

29. This court over 50 years has been consistently observing that limited jurisdiction of the High Court under Article 227 cannot be exercised by interfering with the findings of fact and set aside the judgments of the courts below on merit."

16. To the similar extent, the Apex Court in ***Civil Appeal No. 3072 of 2022***, titled as ***Ibrat Faizan*** vs. ***Omaxe Buildhome Private Limited***, decided on 13.05.2022 has held as follows: -

"14. In view of the above, in the present case, the High Court has not committed any error in entertaining the writ petition under Article 227 of the Constitution of India against the order passed by the National Commission which has been passed in an appeal under Section 58 (1) (a) (iii) of the 2019 Act. We are in complete agreement with the view taken by the High Court. However, at the same time, it goes without saying that while exercising the powers under Article 227 of the Constitution of India, the High Court subjects itself to the rigour of Article 227 of the Constitution and the High Court has to exercise the jurisdiction under Article 227 within the parameters within which such jurisdiction is required to be exercised.

14.1 The scope and ambit of jurisdiction of Article 227 of the Constitution has been explained by this Court in the case of Estralla Rubber v. Dass Estate (P) Ltd., (2001) 8 SCC 97, which has been consistently followed by this Court (see the recent decision of this Court in the case of Garment Craft v. Prakash Chand Goel, 2022 SCC Online SC 29). Therefore, while exercising the powers under Article 227 of the Constitution, the High Court has to act within the parameters to exercise the powers under Article 227 of the Constitution. It goes without saying that even while considering the grant of interim stay/relief in a writ petition under Article 227 of the Constitution of India, the High Court has to bear in mind the limited jurisdiction of superintendence under Article 227 of the Constitution. Therefore, while granting any interim stay/relief in a writ petition under Article 227 of the Constitution against an order passed by the National Commission, the same shall always be subject to the rigor of the powers to be exercised under Article 227 of the Constitution of India."

17. No other point was urged by the learned counsel for the parties.

18. Consequently, in view of the observations made hereinabove, this Court finds no merit in the present petition and the same is accordingly dismissed along with pending application(s), if any.

19. Needless to say, the observations returned by the learned Tribunal regarding the accident being caused due to the negligence of respondent No.2 shall be read solely for the determination of the application under Order 1 Rule 10 CPC. The said observations shall have no bearing on the merits of the main claim petition, which shall be determined on its own merits after hearing both parties.

(Romesh Verma)
Judge

7th August, 2026.
(vt)