



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-6848-2026

Date of Decision: 11.09.2026

Sunil Kumar

...Petitioner

Versus

Rina and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Bhuwan Vats, Advocate (Through VC)
for the petitioner.

DEEPAK GUPTA, J.

The petitioner, who was respondent No.1 before the learned Motor Accident Claims Tribunal, Panipat, has filed the present revision petition assailing order dated 13.08.2026 (*Annexure P-6*), whereby his application under Order I Rule 10 CPC seeking impleadment of the bus bearing registration No. HR-67B-6585 and the person connected therewith has been dismissed.

2. Learned counsel for the petitioner submits that the petitioner had specifically pleaded before the learned Tribunal that the accident did not occur solely on account of any negligence on his part. According to him, the bus bearing registration No. HR-67B-6585 had struck his car from behind, as a consequence whereof his car lost balance and collided with the vehicle coming from the opposite direction. The motorcycle of the victim, which was following that vehicle, thereafter hit the said vehicle and ultimately the roadside stone pillar. It is, therefore, contended that the bus and its driver are necessary parties for complete and effective adjudication of the claim petition.

3. I have heard learned counsel for the petitioner and perused the impugned order.

4. The learned Tribunal has declined impleadment primarily on the basis of the material presently available on record. It has noticed that the



photographs do not indicate that the bus had hit the petitioner's car and that the FSL report did not find transfer of paint from the car on the drag marks of the bus. The Tribunal has also taken note of the police report, according to which the bus driver was not found at fault.

5. At the stage of considering an application under Order I Rule 10 CPC, the Court is required to examine whether the presence of the proposed party is necessary, or proper for effective adjudication of the controversy. The petitioner seeks impleadment of the bus on the basis of his own version regarding the manner in which the accident occurred. That version, however, is seriously disputed and is presently not supported by the material relied upon by the Tribunal.

6. In the circumstances, this Court does not find any jurisdictional error or material irregularity in the exercise of discretion by the learned Tribunal warranting interference in revisional jurisdiction at this stage. The material noticed in the impugned order provides a reasonable basis for the Tribunal to decline impleadment at the present juncture.

7. At the same time, the question whether the accident actually occurred in the manner pleaded by the petitioner, whether the bus was involved in the occurrence and, if so, whether its driver was negligent, or contributed to the accident, are matters, which ultimately have to be determined on the basis of the evidence led before the Tribunal. The rejection of the application under Order I Rule 10 CPC cannot, therefore, be treated as a final adjudication of these disputed questions.

8. Consequently, the present revision petition is dismissed. It is, however, clarified that nothing contained in the impugned order, or in the present order shall prejudice the petitioner in establishing his defence regarding the manner of occurrence of the accident. The petitioner shall be at liberty to lead such oral and documentary evidence as may be permissible in law in support of his plea that the bus bearing registration No. HR-67B-6585 was involved in the occurrence and that its driver had contributed to the accident.



9. The learned Tribunal shall consider such evidence, along with the FIR, photographs, FSL report, police investigation and other material available on record, while finally determining the issues relating to negligence, causation and liability. The observations made while deciding the application under Order I Rule 10 CPC shall not be treated as conclusive findings on these issues.
10. It is further clarified that, if during the course of evidence any legally admissible material emerges warranting consideration of the involvement or liability of the bus or its driver, the petitioner shall be at liberty to seek such appropriate relief as may be available to him in law. Any such request shall be considered by the learned Tribunal independently and strictly in accordance with law.
11. The learned Tribunal shall proceed with the matter, which is already fixed for the remaining evidence of the respondents, without being influenced by any observation contained in this order.
12. Nothing contained herein shall be construed as an expression of opinion on the ultimate merits of the claim petition or the respective liability of the petitioner, the proposed party or any other person.
13. Revision petition stands dismissed in the above terms.

11.09.2026

Yogesh

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No