

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 918 of 2015**

1. Smt. Rupa Bai Sahu W/o. Late Shri Jeewan Lal Sahu, Aged About 33 Years
Occupation House Wife.
2. Ku. Yamini Sahu D/o. Late Shri Jeewan Lal Sahu, Aged About 14 Years
Occupation Student 9th Class. Minor
3. Ku. Nimya Sahu D/o. Late Shri Jeewan Lal Sahu, Aged About 10 Years
Occupation Student 6th Class. Minor
4. Moksh Kumar Sahu, S/o. Late Shri Jeewan Lal Sahu, Aged About 8 Years
Occupation Student 3rd Class.
5. Punauram Sahu S/o. Bandhu Sahu, Aged About 65 Years
6. Smt. Kamin Bai Sahu W/o. Shri Punauram Sahu, Aged About 55 Years
7. Petitioner No. 2, 3 and 4 are minor through natural guardian mother Smt.
Rupa Bai Sahu

All are R/o Village Bhoring, Post Bhoring, Thana Tumgaon, Civil & Revenue
Distt. Mahasamund (CG)

---- Petitioners /Claimants**Versus**

1. Subesingh Sharma S/o. Shri Satyanarayan Sharma, Aged About 49 Years
R/o. Ward No. 2 Niranjana Colony Tumgaon, Thana Tumgaon Civil &
Revenue Distt. Mahasamund (Chhattisgarh)
(Driver Vehicle Bolero No. C G- 04- H A 4740)
2. Shivkumar Yadav S/o. Shri Thanwar Yadav, R/o. Amalidih Raipur, P. S.
Tikrapara, Civil & Revenue Distt. Raipur (Chhattisgarh)
(Owner Vehicle Bolero No. C G - 04- H A 4740)
3. Manager, The New India Insurance Company Limited, Regional Office
Madina Manjil, Station Road Jail Road Raipur, Civil & Revenue Distt. Raipur
(Chhattisgarh)
(Insurer Vehicle Bolero No. C G - 04- H A 4740)

---- Respondents

For Petitioners	:	Mr. R.V.R. Rajwade, Adv.
For Respondents	:	Not noticed.

Order On Board**17/11/2015**

1. Heard on admission.
2. Learned counsel for the petitioners submits that as the deceased Jivanlal Sahu himself was driving the motorcycle bearing regn. No. CG 04 CC 2502 at the relevant time, he was also registered owner of the said motorcycle and the said motorcycle was not insured so it is not possible to implead the deceased Jivanlal Sahu, driver and owner of the said motorcycle and the insurance company as

parties. Hence they may be permitted to amend the application under Section 166 read with Section 140 of the Motor Vehicles Act for incorporation of above facts and let the court decide non-joinder of the parties as issue no. 7 is framed by the Court below in this regard. He further submits that the petition may be disposed of even without noticing the respondents.

3. Upon consideration of the submission made by the petitioner that since deceased Jivanlal Sahu himself was driver and registered owner of the motorcycle and his motorcycle was not insured on the date of incident, his LRs filed the petition for compensation before the Court below hence the deceased and insurance company cannot be impleaded as party in the matter.

4. On due consideration, instant writ petition is disposed of with a direction that the petitioners, if so desire, shall suitably implead these facts that Jivanlal Sahu was driving the motorcycle at the time of incident, he was registered owner of the same and the motorcycle was not insured at the relevant point of time. After such impleadment by way of amendment in the application pending before the court below, the respondents be given an opportunity to amend their written statement in the light of above amendment and thereafter the trial Court is directed to proceed further with the trial and decide the Issue No. 7 in accordance with law.

5. With these observations, the instant writ petition is disposed of.

6. No order as to costs.

Sd/-
(Chandra Bhushan Bajpai)
Judge