

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA
RAO**

C.R.P.No.4130 of 2014

ORDER:

This Revision Petition is filed challenging the order dt.01-08-2014 in I.A.No.345 of 2012 in M.V.O.P.No.248 of 2007 of the VIII Additional District Judge-cum-Motor Accidents Claims Tribunal, Chittoor.

2. Petitioner herein filed the said O.P. against the respondent Nos.1 to 3 seeking compensation of Rs.1,50,000/-. In the O.P., he alleged that in an accident involving a jeep bearing Regn. No.AP 03 A 1941 which is allegedly insured by 2nd respondent, he suffered an injury for which he is liable to be compensated.

3. Counters were filed opposing the claim in the O.P.

4. Evidence was adduced and the matter was posted for arguments.

5. At this stage, the petitioner obtained an R.C. Extract of the above crime vehicle and filed I.A.No.345 of 2012 contending that in the Accident Information Report of Chittoor I Town Police Station, the insurance particulars of the crime vehicle and the owner of the vehicle were wrongly shown on the basis of which, he impleaded respondent Nos.2 and 3; and in fact according to the R.C.

Extract, the crime vehicle belongs to APSTWOP Finance Company, Chittoor and it was insured by 5th respondent. He therefore contended that although he had shown the State represented by the District Collector as the 3rd respondent in the O.P. since he is advised to implead the Assistant Tribal Welfare Officer, APSTWOP Finance Company and 5th respondent Insurance Company herein as respondent Nos.4 and 5, he has filed the application to implead them since they are necessary and proper parties.

6. This application was opposed only by 5th respondent contending that it is not a necessary and proper party to the petition and that the application having been filed at a belated stage, it should be rejected. It was also contended in the said counter that 4th respondent herein is not a necessary party and that the petitioner should prove that the crime vehicle belongs to 4th respondent and it was insured by 5th respondent.

7. By order dt.01-08-2014, the Court below dismissed the said application stating that the petitioner cannot blindly go by the contents of the Accident Information Report and he ought to have verified as to who is the owner of the crime jeep and who is its insurer when he filed the O.P. It further held that the petitioner had alleged that there was collision in the O.P. but now he

has given a go-by to it and contending that 1st respondent is not at all connected with the accident. It held that he cannot be permitted to change his stand from time to time. It further observed that if the respondent Nos.4 and 5 are impleaded, it totally changes the nature of the claim application and changes the manner of accident and that it causes prejudice to respondent Nos.4 and 5.

8. Challenging the same, this Revision Petition is filed.

9. Heard the learned counsel for the petitioner, learned Government Pleader for Arbitration, appearing for respondent Nos.3 and 4. None appears for 5th respondent even though the name of Sri M.Vara Prasadaraao, learned counsel, is printed in the cause list.

10. It is true that a duty is cast on the petitioner to ascertain as who is the owner of the vehicle and who is the insurer at the time of O.P. was filed. But according to the petitioner, he was misled by the crime report issued by the police station initially wherein respondent Nos.4 and 5 were not disclosed as the owner of the crime vehicle and the insurer respectively. According to him, this came into light subsequently when he obtained an R.C. extract of the crime vehicle and came to know that 4th respondent was its owner and 5th respondent was its insurer. It is important to note that in the Insurance Policy said to have

been issued by 5th respondent, which is now filed in this Revision, it is mentioned that District Tribal Welfare Office is the owner of the vehicle bearing No.AP 03 A 1941 and it is insured by 5th respondent.

11. Admittedly 4th respondent has not even filed counter opposing the petition.

12. Once the insurance policy is placed before this Court and this Court is satisfied that 5th respondent is the insurer of the crime vehicle, it is its bounden duty to set aside the order passed by the Court below in I.A.No.345 of 2012 dismissing the said I.A.

13. The comments by the trial Court on the nature of pleading raised by the petitioner in support of the implead application are totally misplaced and its observation that if respondent Nos.4 and 5 are impleaded, it would change the nature of the claim application itself is perverse. Procedure is a hand maid of justice and when an injured person comes before the Court seeking compensation for the injuries caused by a vehicle, a hyper technical approach like the one adopted by the Court below, would defeat the object behind the Motor Vehicles Act, 1988.

14. In this view of the matter, the Civil Revision Petition is allowed and the Order dt.01-08-2014 in I.A.No.345 of 2012 in M.V.O.P.No.248 of 2007 of the VIII

Additional District Judge, Chittoor is set aside and the said I.A. is allowed. The Court below is directed to decide the O.P. uninfluenced by observations made by it in the impugned order. No costs.

15. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 21-08-2015

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