

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI
CIVIL REVISION PETITION No.2158 of 2015

ORDER:-

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the aggrieved proposed party, whose impleadment as the third respondent in the claim petition in M.A.T.O.P.No.504 of 2013 on the file of the Motor Accidents Claims Tribunal (Special Sessions Judge for trial of cases under SCs and STs (POA) Act, 1989 – cum – Additional District Judge) at Khammam, was permitted by the order dated 22.04.2015 passed in I.A.No.375 of 2015 filed under Order I Rule 10 Code of Civil Procedure read with Section 151 C.P.C.

2. I have heard the submissions of the learned counsel for the revision petitioner/third party, whose impleadment as the third respondent in the original petition was permitted by the impugned order. I have perused the material record.

3. Respondents 1 to 4 herein are the claimants in the claim petition. They have filed the claim petition claiming compensation for the loss suffered by them due to the untimely death of the deceased, who is the husband of the first claimant, on account of his involvement in a motor vehicle accident. During the pendency of the claim petition, the second respondent in the claim petition, who is said to be the owner of the vehicle, filed the above said I.A.No.375 of 2015 requesting the Court to direct impleadment of the present revision petitioner as a party/3rd respondent in the claim petition *inter alia* contending that the vehicle is transferred in his name. The trial Court had allowed the said interlocutory application by the impugned order. Therefore, the proposed party, who was directed to be impleaded as the third respondent in the original petition, is before this Court.

4. A perusal of the impugned order would show that the trial Court, before ordering the petition, has not directed for issuance of a notice to the proposed party/revision petitioner. Therefore, the order impugned, which was passed

without a notice to the opposite party and without affording an opportunity of hearing, is opposed to the Principles of Natural Justice and is unsustainable being violative of the principle enshrined in the doctrine 'Audi Alteram Partem'.

5. In the result, the Civil Revision Petition is allowed at the stage of admission and the impugned order is set aside. However, the trial Court is directed to dispose of I.A.No.375 of 2015 afresh after issuing notice to the revision petitioner/proposed party and in accordance with the procedure established by law. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this Civil Revision Petition shall stand dismissed.

M. Seetharama Murti, J

16th June, 2015
Bvv