

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR No. 1698 of 2015 (O&M)

Date of decision : 10.3.2015

Oriental Insurance Company Limited	.. Petitioner
	versus
Mukhtiar Kaur and others	.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Ravinder Arora, Advocate, for the petitioner.

Rajesh Bindal, J.

This order will dispose of five petitions bearing CR Nos. 1698 to 1702 of 2015, as common questions of law and facts are involved therein.

The facts have been noticed from CR No. 1698 of 2015.

Challenge in the present petition has been made to the order dated 1.10.2014 passed by the learned Motor Accident Claims Tribunal, Panchkula (for short, 'the Tribunal'), whereby the application filed by the petitioner under Order 1 Rule 10 CPC for impleading the owner, driver and insurer of the Scorpio vehicle, which was involved in the accident, was dismissed.

Learned counsel for the petitioner submitted that the offending truck insured with the petitioner company has been falsely implicated in the claim petition as the accident took place solely due to negligence of the Scorpio vehicle. The claimants purposely did not implead owner, driver and insurer of Scorpio vehicle. Hence, the application was filed for impleading them as party to the claim petition, which is required for proper disposal of claim and in the interest of justice.

After hearing learned counsel for the petitioner, I do not find any merit in the submissions made.

On the basis of pleadings in the claim, the claimants have impleaded parties in their petition. Merely because the petitioner, insurer of

the offending vehicle, who has been impleaded as the respondent in the claim petition feels that the accident took place with some other vehicle cannot be permitted to implead respondents in the claim petition of the claimants, who are *dominus litus*. The claimants have filed the claim petition and are required to prove their case.

While concurring with the reasoning recorded by the Tribunal, for dismissing the application, I do not find any merit in the present petition.

The revision petitions are accordingly dismissed.

10.3.2015

vs

(Rajesh Bindal)
Judge