

CR-1918-2015 (O&M)

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

**CR-1918-2015 (O&M).
Decided on: March 18, 2015.**

Mukh Ram Memorial High School

..... Petitioner(s)

Versus

Parmeshwari and others

..... Respondent(s)

*** * ***

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Avnish Mittal, Advocate,
for the petitioner.**

M.M.S. BEDI, J (ORAL)

Petitioner, through the instant petition under Article 227 of the Constitution of India has challenged the validity of order dated 16.1.2015 passed by the Motor Accident Claims Tribunal, Bhiwani, dismissing the application under Order 1 Rule 10 CPC filed by the petitioner, who is a respondent before the Motor Accident Claims Tribunal, Bhiwani, seeking to implead the manufacturer, dealer and financier of the offending bus.

Brief facts, relevant for adjudication of the present revision petition are that Parmeshwari and Jagdish respondent Nos.1 and 2 had filed a claim petition before the Motor Accident Claims Tribunal, Bhiwani against the petitioner and others for compensation on account of death of their son Sonu @ Sohan Lal in a road accident with a bus belonging to the petitioner school. The petitioner school filed an application under Order 1 Rule 10 CPC to implead

CR-1918-2015 (O&M)

M/s Tata Motors Limited, Bombay; M/s M.G.Motors, Hisar, and Cholamandlam Investment and Finance Company Limited as respondents on the ground that the school had booked the bus from M/s M.G.Motors, Hisar, by paying token money of Rs.5,000/-. The delivery had been taken after making payment of Rs.1,56,100/-. The remaining amount of Rs.7,50,000/- was financed by Cholamandlam Investment and Finance Company Limited and the delivery of the vehicle had been taken by the school on behalf of the school on 14.4.2012. M/s M.G.Motors, Hisar had assured to hand over the original document i.e., original sale letter and other documents as required for registration but they had failed to hand over the documents to the school as a result of which the petitioner was not able to get the vehicle registered in its name. A civil suit has been filed by the petitioner Annexure P6 on 7.6.2012 for mandatory injunction directing M/s M.G.Motors, Hisar and Cholamandlam Investment and Finance Company Limited to issue original bill and other relevant documents and for prohibitory injunction requiring M/s M.G.Motors, Hisar from forcibly recovering any money of the actual sale price of the bus.

Counsel for the petitioner has vehemently urged that in view of the aforesaid background, it will be necessary to implead M/s M.G.Motors, Hisar, M/s Tata Motors Limited, Bombay and Cholamandlam Investment and Finance Company Limited as manufacturer, dealer and financier would also be liable in case the

CR-1918-2015 (O&M)

objection of the Insurance Company regarding vehicle being not registered is finally accepted by the Motor Accident Claims Tribunal, Bhiwani.

I have considered the contentions of counsel for the petitioner and I am of the opinion that it is always open to a Court under Order 1 Rule 10 (2) CPC, to implead any person as a party to the case if the Court is of the opinion that the impleadment is necessary in order to enable the Court to effectively and completely adjudicate upon and settle all the questions involved in the suit. In the present case, the petitioner school has not till date filed any written statement. Counsel for the petitioner is not aware if the Insurance Company has filed any written statement.

I have gone through the suit filed by the petitioner school. A perusal of the suit filed by the petitioner as plaintiff indicates that spirit of the suit is that the petitioner claims right title and interest in the vehicle as owner and seeks prohibitory injunction against the finance company from forcibly taking back the bus. The plea of defence has not yet been raised by any person or company that the vehicle being not registered, Insurance Company will not be liable. The application has rightly been dismissed by the Motor Accident Claims Tribunal, Bhiwani.

No ground is made out for interference in the order passed by the Motor Accident Claims Tribunal, Bhiwani.

The petition is dismissed at this stage. It is

CR-1918-2015 (O&M)

observed that if later on, on the basis of pleadings or the evidence **at any stage**, the Tribunal is of the opinion that the parties sought to be added by the petitioner are necessary to be added for effectively and completely adjudicating and settling all the questions involved in the claim petition, it will be open to the Motor Accident Claims Tribunal, Bhiwani, to implead the above said parties at subsequent stage.

March 18, 2015.
rka

(M.M.S. BEDI)
JUDGE