

HON'BLE SRI JUSTICE G. SHYAM PRASAD

CIVIL REVISION PETITION No. 661 OF 2011

ORDER:

1. This Civil Revision petition is arising out of the order in I.A.No.2918 of 2009 in O.P.No.78 of 2008 on the file of I Additional Chief Judge, City Civil Court, Secunderabad being aggrieved by the orders passed in I.A. for impleading driver and owner of the opposite vehicle, which is said to have been collided with the car of the petitioner. The petitioner sought for impleading the driver and owner of the opposite auto on the ground that there is contributory negligence. The trial Court passed a cryptic order without giving any reasons and dismissed the I.A. filed for adding of the driver and owner of the opposite vehicle.

2. Learned counsel for the respondent submits that the petitioner was traveling in an auto and there is no negligence on the part of auto driver and it is only due to rash and negligent driving of the driver of the car, the accident had occurred. As such, the driver and owner of the auto are not necessary parties in this O.P. and sought for dismissal of the C.R.P.

3. The point for consideration in this matter is, whether the owner and driver of the auto in which the petitioner traveled are the necessary parties in this OP or not?

4. As per the contention of counsel for the petitioner, it is a case of head on collision between auto and the car. That fact can be decided only after adducing the evidence in the Court. Unless the driver and owner of the auto are added in this petition, it cannot be decided whether there is contributory negligence on the part of both or whether there is negligence on the part of opposite vehicle.

5. Under these circumstances, this Civil Revision Petition is allowed and the order under Revision is set aside directing the trial Court to permit the petitioner to add the driver and owner of the auto in the O.P. The trial Court is also directed to dispose of the OP as expeditiously as possible within a period of six (06) months from the date of receipt of a copy of this order, since this is an old OP pertaining to the year 2008. The miscellaneous petitions, if any, pending in this CRP shall stand closed. There shall be no order as to costs.

30-09-2016.
nvl

G. SHYAM PRASAD, J



