

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

**Date of decision:13.7.2016**

1.

**CR No.4324 of 2016(O&M)**

Shiv Parsad Tiwari

....Petitioner

VERSUS

Pawan Kumar and others

.....Respondents

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2.

**CR No.4336 of 2016(O&M)**

Usha Devi and another

....Petitioners

VERSUS

Pawan Kumar and others

.....Respondents

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**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. Gaurav Sharma, Advocate for the petitioner(s).

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**REKHA MITTAL, J.**

This order shall dispose of CR No.4324 and 4336 of 2016 as these involve common questions of law and facts for adjudication. For the sake of convenience, facts are taken from CR No.4324 of 2016.

Shiv Parsad Tiwari - petitioner has filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for brevity 'the Act') for grant of compensation on account of injuries sustained by him in a motor vehicular accident on 21.01.2015 wherein the driver and owner of the alleged offending vehicle Pick Up No.PB-05-T-9316 have been impleaded

as respondents. An application was filed under Order 1 Rule 10 and 6 Rule 17 read with Section 151 of the Code of Civil Procedure, 1908 (for brevity 'CPC') for impleading State of Punjab through District Collector, District Transport Officer, Barnala, Senior Superintendent of Police, Barnala and Station House Officer, Police Station, Barnala, as respondents No.3 to 6, respectively, and the same has been disallowed by the learned Tribunal vide order impugned in the petition.

Counsel for the petitioner would contend that as it is an obligation of the State and its functionaries, sought to be impleaded as party, to ensure that no motor vehicle comes on the road without having been properly insured so that claims of the victims of the motor accidents do not remain unsatisfied, impleading of respondents No.3 to 6 is necessary for complete and effective adjudication of the matter in controversy.

I have heard counsel for the petitioner, perused the paper-book particularly the order impugned.

Order 1 Rule 10 CPC provides for suit in name of wrong plaintiff. Sub-Rule (2) of Rule 10, relevant in the present context, reads as follows:-

**“10. Suit in name of wrong plaintiff—**(1) xx      xx

(2) **Court may strike out or add parties.**—The Court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Court to be just, order that the name of any party improperly joined, whether as plaintiff or defendant, be struck out, and that the name, of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added.”

The learned Tribunal has rightly held that presence of respondents No.3 to 6 sought to be added by invoking Rule 10 is neither necessary nor proper for effectively and completely adjudicate upon and settle all the questions involved in the petition. If the petitioner has any grievance to express with regard to failure of the State to discharge its statutory obligation, he may take recourse to appropriate proceedings, in accordance with law.

In view of what has been discussed hereinabove, finding no merit, the petitions fail and are accordingly dismissed.

**JULY 13, 2016**  
'D. Gulati'

**(REKHA MITTAL)**  
**JUDGE**