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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 1262/2015 & CM No.31942/2015

NAPINO AUTO & ELECTRONICS LIMITED

..... Petitioner

Through Ms. Yashmeet Kaur, Adv.

versus

ANOOP SINGHAL & ANR

..... Respondent

Through Ms. Sanjana Antil, Adv. for R-1

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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17.03.2016

An accident claim case under the Motor Vehicles Act, 1988 (MV Act) was filed by the first respondent before the Motor Accident Claims Tribunal (tribunal) where it was registered as MACP. No.140/2014. The claimant (the first respondent) has impleaded the second respondent herein as the principal tort-feasor and the petitioner as the person vicariously liable, on the plea that it is the owner of the offending vehicle. The petitioner upon being served with the notice, appeared before the tribunal and moved an application praying for its name to be deleted on the plea that the vehicle had already been sold, in favour of the second respondent, much prior to the date of accident though the transfer was mutated in the record of the registering authority later. The tribunal by order dated 02.09.2015 rejected the said application holding that it was devoid of "merit" directing the matter to be listed for framing of issues on 28.04.2016.

The petitioner, feeling aggrieved has come up with the petition at hand, primarily raising the concern that by summary dismissal of his application for deletion of his name from the array of parties, he stands deprived of the opportunity to file a written statement or to contest the main petition. The learned counsel for the first respondent fairly conceded that the petitioner herein would deserve grant of opportunity to file his written statement so that his contentions can be decided on merits.

Thus, the petition is allowed to the effect that the tribunal shall permit the petitioner to file his written statement on or before 28.04.2016, the date already fixed, and allow him to participate in the inquiry, examining on merits the contentions raised at the inquiry which is to follow.

With above observations, the petition and accompanying application stand disposed of.

R.K.GAUBA, J

MARCH 17, 2016
VLD