

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

1.

**CR No. 5377 of 2017(O&M)
Date of Decision: 04.12.2017**

RAJESH RATHORE

...Petitioner

Versus

AMIT KUMAR AND OTHERS

...Respondents

2.

CR No. 5388 of 2017(O&M)

RAJESH RATHORE

...Petitioner

Versus

ROHIT BHATIA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Seema Pasricha, Advocate
 for the applicant-petitioner.

 Mr. Ashish Bansal, Advocate
 for respondent No.1.

RAJ MOHAN SINGH, J. (ORAL)

[1]. Vide this common order CR No. 5377 of 2017 titled
 “**Rajesh Rathore vs. Amit Kumar and others**” and CR No. 5388 of
2017 titled “**Rajesh Rathore vs. Rohit Bhatia and others**”, are
being disposed of.

[2]. Petitioner has preferred these revision petitions against
the order dated 19.05.2017 passed by District Judge, Chandigarh in
MACT Claim Petition No.199-2017, whereby application under Order

1 Rule 10 CPC for impleading Charanvir Singh, owner of car No. CH-01-AW-7388 as necessary party was dismissed .

[3]. The claimant was occupant of Car No. CH-01-AW-7388, which was being driven by its owner-cum-driver i.e. Charanvir Singh. At the time of filing the claim petition, the claimant did not implead Charanvir Singh as party respondent in the claim petition. FIR was got registered by the said Charanvir Singh.

[4]. The application under Order 1 Rule 10 CPC, was filed by the petitioner for impleading Charanvir Singh in order to have complete adjudication of the case with reference to pleas of the parties. The aspect with regard to ownership of the car would be decided with reference to the evidence if proper parties are before the Tribunal. Whether the accident was the result of sole negligence of either of the drivers or contributory, would be the issue before the Tribunal. All issues and probable defence of the parties have to be decided by framing proper issues and in the presence of proper parties.

[5]. In my considered opinion, no hardship is going to be caused to the respondent in case Charanvir Singh is impleaded as party respondent No.3 in the claim petition.

[6] Learned Counsel for the respondents has pointed out that Charanvir Singh himself has filed independent claim petition seeking compensation on account of damage to his vehicle. In view of above, it would be in the fitness of things to implead Charanvir Singh as party respondent in the claim petition.

before the same Tribunal, therefore, it would be just and appropriate to accept this revision petition by setting aside the impugned order dated 19.05.2017. This revision petition is accordingly disposed of.

December 04, 2017
Jyoti-IV

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No