

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

FAO No.4067 of 2003(O&M)

Date of decision: 16.01.2017

Parmeshwari Devi

----Appellant

V/s

Ravinder Kumar and others

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr.Rajinder Goyal, Advocate for the appellant.

Mr.Gopal Sharma, Advocate for respondent No.1.

Mr.Ashwani Talwar, Advocate for respondent no.3.

HARI PAL VERMA, J. (Oral)

Present appeal has been filed by claimants Parmeshwari Devi wife of Sh. Om Parkash Sharma, resident of House No.B-3, HMT Colony, Pinjore against the award dated 09.06.2003 passed by Motor Accident Claims Tribunal, Panchkula, whereby her claim petition under Section 166 of the Motor Vehicles Act, 1988 (for brevity “the Act”) was dismissed.

Learned counsel for the appellant submits that at the time of the filing of the claim petition under Section 166 of the Act, the owner of the vehicle, namely, Rajiv Punani could not be impleaded, as the said vehicle was being driven by respondent No.1-Ravinder Kumar. He further submits that the accident in question had taken place on 16.05.2000 and the vehicle i.e. Maruti Van bearing No.HR-06-B-8998

was insured with respondent no.3, i.e. The New India Assurance Co. Ltd Branch Kalka on the date of the accident.

Learned counsel for respondent No.3-Insurance Company submits that since the registered owner-Rajiv Punani was not impleaded, the Motor Accident Claims Tribunal, Panchkula, has rightly passed the award and, therefore, in case the applicant/appellant seeks to amend the claim petition, he is at liberty to file a fresh claim petition by impleading the necessary parties.

I have heard learned counsel for the parties.

Admittedly, on the date of accident, Rajiv Punani was the registered owner of the vehicle in question and has not been impleaded as a necessary party leading to dismissal of claim petition of the appellant. Therefore, without commenting upon the merit of the instant case, the application under Order 41 Rule 27 read with Section 151 CPC filed by the appellant to lead additional evidence and to implead the registered owner is allowed. The appellant is permitted to lead additional evidence.

Consequently, the appeal is disposed of with liberty to the appellant to file a fresh claim petition after impleading registered owner of the vehicle which the Tribunal shall decide afresh.

16.01.2017

Anjal

**[HARI PAL VERMA]
JUDGE**

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No