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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 1116/2016 & C.M.41313/2016 (stay)

BIMLA RANI & ANRPetitioners

Through: Mr. Anshuman Bal, Advocate

versus

IFFCO TOKIO GEN INS CO LTD & ORSRespondents

Through: Mr. Harsh Wardhan, Advocate for
respondent-Insurance Company

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **03.03.2017**

Impugned order of 15th September, 2016 directs petitioners, who are claimants, to disclose the names of driver, owner and Insurer of Innova car, which was involved in accident in question. Impugned order has been passed on application of respondent-Insurer, who had sought impleadment of driver, owner and Insurer of said Innova car.

Challenge to impugned order in this petition by learned counsel for claimants is on the ground that impleadment of driver, owner and Insurer of Innova car would amount to reopening the matter when the claimants' evidence has been already concluded and the matter is pending before learned Tribunal at the stage of Insurer's evidence. It is submitted by learned counsel for petitioners that petitioners are not aware of the names of driver, owner and Insurer of said Innova car in which they were travelling as the said car was hired as a taxi for travelling from Shimla to Delhi. So, it is submitted that impugned order deserves to be set aside so that petitioners' claim petition can be decided with expedition.

Learned counsel for respondent-Insurer supports impugned order

and submits that as per Section 168 of *Motor Vehicles Act, 1988* impleadment of driver, owner and Insurer of said Innova car is essential for the just decision as the truck in question was stationary and it was the Innova car which had dashed against the said truck and so, the driver, owner and Insurer of said Innova car are also liable to pay the compensation.

Upon hearing and on perusal of impugned order, I find that it is unfair to call upon petitioners-claimants to provide the names of driver, owner and Insurer of said Innova car in which petitioners were travelling on hire charges. It is always open to respondent-Insurer to get the address of driver, owner and Insurer of said Innova car from the transport authority concerned and thereafter, to get them examined as its witnesses.

In the considered opinion of this Court, the impleadment of driver, owner and Insurer of said Innova car in question would prolong the proceedings much to the detriment of petitioners-claimants. In the light of the aforesaid, impugned order is set aside and application for impleadment by respondent-Insurer is dismissed with liberty to respondent-Insurer to get driver, owner and Insurer of the said Innova car examined in evidence to prove its stands as taken in the written statement.

With aforesaid directions, this petition and the application are disposed of.

Copy of this order be given *dasti* to counsel for both the sides.

(SUNIL GAUR)
JUDGE

MARCH 03, 2017

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