

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2059 OF 2018
(Rafeeq Khan s/o Musa Khan Vs. Babybai w/o Vasant Devtale and
others)

Mr.Quadri Taher Ali, Advocate for the petitioner.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 20/02/2018

PER COURT :

1. The petitioner is aggrieved by the order dated 15/01/2018, by which application Exh.63 filed by the petitioner / original respondent No.1 for addition of a party in MACP No.294/2013, has been rejected.

2. The contention of the petitioner is that he has purchased the offending vehicle from the erstwhile owner namely M/s Rohini Constructions which had an insurance policy drawn with respondent Nos. 2 and 3, who are before the Tribunal. Therefore, addition of M/s Rohini Constructions would be necessary as evidence will have to be brought on record to indicate that there was an insurance cover in relation to the offending vehicle.

3. The Trial Court has rejected application Exh.63 for the reason that this petitioner will have to establish that there was an insurance

cover. The Insurance Company is already arrayed as respondent Nos. 2 and 3.

4. I find from the record that the original register of insurance policy has been produced by the Insurance Company to indicate that on the date of the accident, the offending vehicle was not insured in the name of this petitioner or in the name of M/s Rohini Constructions. In this backdrop, addition of M/s Rohini Constructions as a respondent, only for the purpose of leading evidence, would not fit in the legal concept of "necessary respondent or answering respondent".

5. This petition, being devoid of merit, is therefore, dismissed.

(RAVINDRA V. GHUGE, J.)