

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.
CIVIL APPLICATION NO. 140 OF 2017
IN
FIRST APPEAL NO. 36 OF 2017**

Kirti Construction through Proprietor.

Applicant.

Versus

Venkatesh Irappa Surwase & another.

Respondents.

Mr. J.R. Patil, Advocate for the applicant.

Mr. S.P. Madde, Advocate for respondent No.1.

CORAM : SUNIL K. KOTWAL,J.

Dated : 5th December 2018.

ORDER :-

. The award was passed in M.A.C.P. No.40/2011 by Motor Accident Claims Tribunal, Ahmedpur on 13.10.2016 without joining Insurance Company of the offending vehicle as party to the proceeding. Therefore, First Appeal No.36 of 2017 is filed by owner of offending vehicle. This Civil Application is filed for joining 'New India Assurance Company Limited' as party to the First Appeal.

2. Heard learned Counsel for the respective parties. Perused the certificate of insurance which shows that New India Assurance Company Limited issued the said policy in favour of owner of offending vehicle. Therefore, this Insurance Company is necessary party to First Appeal No.36 of 2017.
3. Civil Application is allowed in terms of prayer clause 'B'. Insurance Company be joined as respondent No.3 in First Appeal No.36 of 2017.
4. Civil Application is disposed of.

(SUNIL K. KOTWAL)
JUDGE

vdd/