

113

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.9247 of 2018

Date of Decision: 17.12.2018

Jagseer Singh

..... Petitioner

Versus

Baljeet Kaur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. S.P. Soi, Advocate,
for the petitioner.

SUDIP AHLUWALIA, J. (ORAL)

In the present revisional petition, the petitioner, who happens to be respondent No.1 in MACT Case No.5, dated 29.04.2017, of the Court of Ld. District Judge, Patiala, has impugned the order dated 27.09.2018, passed by the Ld. Tribunal, vide which the petitioner's application under Order 1 Rule 10(2) of the CPC, seeking to implead the driver of three-wheeler, bearing No.PB-12-7270, apart from directing the SHO of Police Station Passiana, to produce correct information regarding the said case was rejected.

2. In a nutshell, contention of the petitioner, who was impleaded as respondent No.1, being the owner and driver of the offending vehicle, i.e. Maruti Alto Car, bearing No.PB-11-AF-2040, was that on account of

collusion between the claimants and the Local Police Authorities, driver of the Auto Rickshaw, by which the victims were travelling at the relevant time, had not been arraigned as a respondent, even though he was a necessary party for that purpose.

3. This Court has considered the narration of facts as mentioned in Column 24 of the original Claim Petition. Perusal of the same does not indicate in any manner that driver of the concerned Auto Rickshaw, namely Sandeep Singh, was at any stage guilty of rash or negligent driving, which could have resulted in the accident that allegedly took place.

4. The Ld. Tribunal, therefore, rightly observed that the petitioner had failed to convince it *“as to how the Auto Rickshaw driver and Police Officials are necessary parties to this Petition”*.

5. Ld. Tribunal further went on to observe and rightly so, as under:-

“It is a matter of evidence whether the allegations against respondent are false or true. Moreover the evidence is yet to be led by both the parties and respondent would have ample opportunity to bring evidence to rebut the allegations levelled against him.”

6. This Court is in full agreement with the above observations to the effect that even if there be any semblance of truth in the allegations made by the petitioner against either Sandeep Singh-driver of the Auto Rickshaw, or against the Police Authorities regarding any collusion with the parties concerned, the burden of proving those allegations would squarely lie upon the petitioner himself, and the claimants cannot be compelled to modify their claim or seek their relief against someone whom

they do not consider responsible for the accident in question.

7. No merits.

8. Dismissed.

17.12.2018

Apurva

(SUDIP AHLUWALIA)

JUDGE

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No