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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 299/2018 & C.M. No.9660/2018
THE ORIENTAL INSURANCE CO LTD Petitioner
Through Mr.Pankaj Seth, Adv.
versus

SALEK ALLI Respondent
Through Mr.Phool Kumar Singhania, Adv.
with respondent no.2 in person.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

ORDER
% **28.05.2018**

Vide the present petition, the petitioner impugns the order dated 7th July, 2017, whereby the Motor Accident Claims Tribunal has come to a conclusion that the proceedings stood abated against the insured, since after the death of the insurer/owner of the offending vehicle, no steps had been taken by any of the parties to bring his legal heirs on record. Upon abatement of proceedings against the insured person, proceedings have been directed to continue against the petitioner/insurance company, who would be liable to pay the compensation amount.

On the last date, learned counsel for the petitioner was granted liberty to serve a notice to the legal heirs of the insured i.e. Shri Dilmeet Singh.

Today, Mr.Phool Kumar Singhania, Advocate enters appearance on behalf of Mr.Dilmeet Singh, who was impleaded as respondent no.2, at the oral request of the learned counsel for the

petitioner. Mr.Singhania submits that, in view of the aforesaid position, the respondent no.2 will move an appropriate impleadment application before the Motor Accident Claims Tribunal within two weeks, disclosing details of all the legal heirs of Shri Gurmeet Singh/Insurer.

In view of the fair stand taken by the learned counsel for the respondent no.2 who undertakes to file an impleadment application along with an appropriate application for setting aside the abatement of the claim petition qua Late Shri Gurmeet Singh, the impugned order is set aside. Upon the Respondent no.2 and all other legal heirs of Shri Dilmeet Singh moving an appropriate application, the Tribunal would consider the same on its own merits and proceed in accordance with law.

It is made clear that in case the Tribunal does not find merit in the application of Respondent no.2, it would be free to deal with the matter as it deems fit.

The petition and application are disposed of in the aforesaid terms.

Dasti.

MAY 28, 2018/aa

REKHA PALLI, J