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

+ CM(M) 859/2016

44 SANDEEP SHARMA Petitioner

Through:

versus

SOHAN PAL SINGH & ORS. Respondents

Through: Mr.Anil Mittal, Advocate with SI
Suresh Kumar (P.S. Gulawati), for
State of U.P.
Mr.J.P.N. Shahi, Advocate for R-3
Mr.Rajesh Tiwari, Advocate for R-4

+ CM(M) 892/2016

45 SANDEEP SHARMA Petitioner

Through:

versus

POONAM RANI & ORS. Respondents

Through: Mr.Anil Mittal, Advocate with SI
Suresh Kumar (P.S. Gulawati), for
State of U.P.
Mr.J.P.N. Shahi, Advocate for R-3
Mr.Rajesh Tiwari, Advocate for R-4

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **27.07.2018**

1. The petitioner has challenged the order dated 06th April, 2016 whereby the learned Claims Tribunal dismissed the petitioner's application under Order I Rule 10 of Code of Civil Procedure.
2. The accident dated 19th April, 2014 resulted in death of Madan Pal

Singh and grievous injuries to Sohan Pal Singh. Two claim petitions were filed before the Claims Tribunal one respect to injury suffered by Sohan Pal Singh and another in respect of death of Madan Pal Singh. The claim petitions were filed against Sabne Alam (driver of bus No. UP-14-CT-5844) and Sandeep Sharma (owner of bus No. UP-14-CT-5844).

3. The petitioner filed an application under Order I Rule 10 of the Code of Civil Procedure to implead Mohd. Aslam on the ground that he had sold the vehicle to Mohd. Aslam.

4. The petition is allowed. Impugned order dated 06th April, 2016 is set aside and Mohd. Aslam is impleaded as respondent No.3 before the Claims Tribunal in both the claim petitions.

5. Mr. Anil Mittal, learned counsel for State of UP submits that the offending vehicle was un-insured at the time of accident and the police has added Section 196 of the Motor Vehicles Act against the driver of the offending vehicle. It is further submitted that Section 196 of the Motor Vehicle Act shall be invoke against the owner of the offending vehicle as well.

6. List before the Claims Tribunal on 24th August, 2018.

7. Sabne Alam, respondent No.2 and Mohd. Aslam ,respondent No.4 are present in Court along with the Investigating Officer, SI Suresh Kumar from P.S. Gulawati, Bulandshahr, U.P.

8. Mohd. Aslam and Sabne Alam present in Court undertake to appear before the Claims Tribunal on 24th August, 2018. The undertaking is accepted in view of the undertaking given, the Claims Tribunal is not required to issue fresh notice of appearance to them.

9. The record of the Claims Tribunal be returned back.

10. The Claims Tribunal shall expedite the hearing of the claim petitions.

11. Copy of this order be given *dasti* to counsels for the parties under

signatures of the Court Master.

JULY 27, 2018/ds

J.R. MIDHA, J.