

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.2222 of 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioners/respondents Nos.3 and 4, challenging the order, dated 29.06.2019, passed in I.A.No.62 of 2016 in M.V.O.P.No.9 of 2015, by the VII Additional District Judge, Bodhan, whereby, the petition filed by the respondent No.1 herein/proposed party under Order I Rule 10 read with Section 151 of CPC seeking to implead him as 5th petitioner in the main M.V.O.P.No.9 of 2015, was allowed.

2. Heard the learned counsel for the petitioners/respondents Nos.3 and 4 and perused the record.

3. The learned counsel for the petitioners/respondents Nos.3 and 4 would submit that the respondent No.1 herein/proposed party is a Class II heir of the deceased and he is not entitled for compensation on account of the death of the deceased in the subject MVOP. The Court below erroneously allowed the subject interlocutory application and ultimately prayed to allow the Civil Revision Petition and dismiss the subject interlocutory application.

4. It is apt to state that mere allowing the subject interlocutory application would not make the 1st respondent herein/proposed party a dependant of the deceased and

entitled to get compensation. Payment of compensation is required to be examined after recording the evidence and on conclusion of trial. To find out and record a finding as to whether the respondent No.1 herein/proposed party is entitled for compensation, the Court below ought to have impleaded the proposed party as one of the respondents but not as a claimant. Therefore, the respondent No.1 herein/proposed party, is permitted to join as one of the respondents to the subject MVOP.

5. This Civil Revision Petition is ordered accordingly. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand closed.

24th September, 2019
Bvv

Dr. SHAMEEM AKTHER, J