

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(119)

CR-173-2023 (O&M)

Date of Decision : January 12, 2023

Ram Gopal

.. Petitioner

Versus

Kavita and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amit Choudhary, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-447-CII-2023

As prayed for, the application is allowed.

CR-173-2023

In the present civil revision petition, the challenge is to the order dated 18.10.2022 passed by the Motor Accident Claims Tribunal vide which, application filed by the petitioner for impleading Satbir Singh son of Dhan Singh, resident of Village Sheewah, District Panipat as respondent, has been declined.

Learned counsel for the petitioner argues that in the present case, keeping in view the accident occurred on 07.10.2020, one Parvesh Kumar died and keeping in view the said accident, the claimants have filed a claim petition before the Motor Accident Claims Tribunal against the driver namely Krishan Kumar and owner namely Ram Gopal of the

offending vehicle. Petitioner is the owner of the offending vehicle. During the pendency of the said claim, the petitioner, who had been impleaded as respondent No.2 in the claim petition, filed an application under Order 1 Rule 10 of the CPC with a prayer that offending vehicle was sold by him to Satbir Singh son of Dhan Singh in the year 2018 and hence, as the accident took place after the selling of the said vehicle to Satbir Singh, Satbir Singh is a necessary party as no objection certificate was issued by the registration authorities i.e. RTI Authority, Fatehabad qua the offending vehicle on 19.06.2018.

The said application was declined by the Tribunal on the ground that the claim petition has been filed by the claimants and keeping in view the fact that as per the registration certificate, the vehicle stands registered in the name of the petitioner even after the accident, there is no need to implead Satbir Singh son of Dhan Singh and the application filed by the petitioner under Order 1 Rule 10 of the CPC was dismissed on 18.10.2022 which order is under challenge in the present civil revision petition.

I have heard learned counsel for the petitioner and have gone through the record with his able assistance.

As per the settled principle of law, it is for the claimants to implead the necessary parties, who are necessary for the decision of the claim being raised by the claimants qua the offending vehicle. In the claim petition, not only the driver of the offending vehicle as well as the owner have already been impleaded.

Learned counsel for the petitioner has conceded before this

Court that even as of today, the vehicle in question is in the name of the

petitioner only.

That being so, the necessary party i.e. owner of the offending vehicle as well as the driver are already party to the claim petition already before the Tribunal. The claimants cannot be forced to implead any other person whom the respondent might think as a relevant party to the litigation.

Learned counsel for the petitioner argues that though the petitioner is a registered owner of the offending vehicle even as of now but in case he is burdened with the compensation by the Tribunal, he can claim the same from Satbir Singh in case he is impleaded as a respondent in the present petition.

The said argument cannot be accepted for the reason that in case the petitioner will have any claim against Satbir Singh, the same will be independent of the claim of the claimants before the Motor Accident Claim Tribunal. Merely that the petitioner apprehends the imposition of compensation by the Tribunal, he cannot make the claimants to implead any person, who is not a necessary party to be a party to the claim petition and to litigate with the said person.

No infirmity is found in the order being challenged in the present civil revision petition.

Dismissed.

January 12, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes