

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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2023:PHHC:139584

**1. CR-527-2021 (O&M)
Date of decision: 02.11.2023**

RELIANCE GENERAL INSURANCE CO. LTD. ..Petitioner

Versus

ESHA SINGH AND ORS ..Respondents

2. CR-495-2021 (O&M)

RELIANCE GENERAL INSURANCE CO. LTD. ..Petitioner

Versus

SEEMA CHAUHAN AND ORS ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Suri, Advocate
 Mr. Karan Gaba, Advocate
 Mr. Raghav Garg, Advocate
 & Mr. Vijjiyesh Malhotra, Advocate
 for the petitioner.

 Mr. Neeraj Khanna, Advocate
 for respondent No.1 to 4.

 Mr. Ishan Cooner, Advocate
 for Mr. J.S. Cooner, Advocate
 for respondent No.5 and 6.

ANIL KSHETARPAL, J(Oral)

1. The insurer of the truck has filed these two connected revision petitions to challenge the correctness of the order dismissing their application to implead the owner, driver and insurance company of car bearing the registration plate No.PB-01B-7678. An accident took place between the truck and a car. As per the case of the claimants, both the vehicles were travelling in the opposite direction. It was a case of head on collision. The claimants were travelling in the car. They alleged that the entire negligence was on the part of driver of the truck.

2. On the other hand, the insurer of the truck claims that the owner of the car driver was travelling on the wrong side of the road. When the case was at the stage of claimant's evidence, the application was filed. The Tribunal has dismissed the application on the ground that the claimant can recover the full amount of damages from either of the defendants.

3. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

4. The learned counsel representing the petitioner contends that the insurance company should be permitted to implead the owner, driver and the insurer of the car, if any, in order to avoid the multiplicity of the litigation. It is further contended that the Court has taken a myopic view of the matter.

5. On the other hand, the learned counsel representing the respondents contends that insurance company after the decision of the present case can recover the amount by filing the separate proceedings against the owner, driver and insurer of the car.

6. This Court has considered the submissions of the learned counsel representing the parties.

7. It has been rightly contended by the learned counsel representing the petitioner that it will result in the multiplicity of the litigation. Moreover, in this case, a finding shall be arrived at by the Court without hearing the owner, driver and insurer of the car, if any.

8. The application filed by the petitioner has some substance because it is a case of head on collision between two vehicles travelling in

the opposite directions. It is the case of the petitioner-insurance company that the car was being driven on the wrong side of the road.

- 9. In these circumstances, the application is allowed.
- 10. The Tribunal is directed to make sincere endeavor for the expeditious disposal of the claim petitions.
- 11. With these observations both the revision petitions are disposed of.
- 12. All the pending miscellaneous applications, if any, are also disposed of.

November 02nd, 2023 (ANIL KSHETARPAL)
Ay JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No