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

+ **MAC.APP. 150/2021**

SHIVENDU KUMAR TRIPATHI & ORS. Appellants

Through: **Mr. Somnath Parashar, Adv.**

versus

JUNAID ALI & ANR.

..... Respondents

Through: **Mr. Pankaj Gupta, Adv. for
Insurance Company**

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

29.05.2024

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1. This hearing is being conducted through hybrid mode.
2. The appellants/claimants in the present appeal are assailing the impugned judgment dated 03.03.2020 passed by the learned Presiding Officer, MACT, South District, Saket Courts, New Delhi, whereby the claim petition was held to be not maintainable for non impleadment of the driver of the offending vehicle.
3. Learned counsel for the appellants/claimants submits that no opportunity was given to the appellants to implead the driver. It is pointed out that they were not aware of the identity of the driver either. However, it is submitted that after the filing of the chargesheet against the driver of the offending vehicle, namely Iqbal Ali, they have come to know about the details of the said driver.
4. In light of the above, although the learned Tribunal has made certain passing references with regard to the averments or the claim made by the appellants/claimants, the impugned order dated



03.03.2020 is hereby set-aside. The matter is remanded back to the learned Tribunal on 04.07.2024 with direction to allow the appellants to implead the driver and the matter shall proceed in accordance with law for adjudication on merits.

5. Learned Tribunal shall not be swayed or influenced by any observations that have been made by the learned Presiding Officer in the impugned order dated 03.03.2020. This order is passed without prejudice to the rights and contentions of the parties.

DHARMESH SHARMA, J.

MAY 29, 2024

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