

5 MACT 498/22
SARITA Vs. SONU CHAUHAN

24.01.2025

Present : Sh. Tarang Kaushik, proxy counsel for petitioners No.1 & 2
with P-1
Sh. Kumar Shivam, Ld. Counsel for P-3 & P-4
Sh. Vinod Kumar, Ld. Counsel for R-3 / insurer. (through
VC)

1. File is listed for order on the pending application under order 1 Rule 10 r/w section 151 CPC as moved by applicants Sangeeta Devi and Geeta. It is stated that they are unmarried sisters of deceased and thus they are necessary parties to the present claim proceedings and they may be added as R-4 and R-5 in the present case.

2. In reply to the present application, it is stated by P-1 and P-2 that application is frivolous and moved with *malafide* intention. It is further stated that the application is moved in connivance with mother of the applicants with a view to linger on the matter. It is further stated that the application be dismissed with heavy costs.

3. Heard and perused. IO has mentioned wife, mother and son as the LRs of the deceased and they are the petitioners in this case. Under section 166 (4) M.V. Act, DAR has been treated as a claim petition on 08.08.2022. Under section 166 M.V. Act, claim petition can be filed by any or all of the LRs of the deceased and in case where deceased is survived by wife, child and mother, in my considered view, drawing analogy from the law of inheritance, sisters of the deceased do not come into picture as legal representatives of the deceased brother. There is no *prima facie* material on record with regard even to suggest that any of the sisters were legal dependents of the deceased. Hence, I find no merits in the application moved by the sisters of the deceased and the same is dismissed.

4. To come up for framing of issues on **28.04.2025**.

(Mayuri Singh)
PO MACT (East)/KKD
Delhi/24.01.2025