

MACP No. 25/23

Rohini Shukla Vs. Shikhil Aggarwal & Anr.

13.11.2025

Present: Sh. Rohit Shukla, Ld. Counsel for petitioner.

Sh. Dushyant Nayak, Ld. Counsel for driver and owner.

Offending vehicle is uninsured.

Ld. Counsel for driver and owner submits that his application may be disposed off. On the other hand, Ld. Counsel for petitioners submit that he has filed appeal/revision against the order of dismissal of his protest petition before the court of Ld. JMFC. However, he has no objection, if the present application is disposed off.

The application has been filed u/s. 114 r/w order XLVII CPC seeking review of order dated 02.02.2023 whereby name of the tortfeasor Manish Shukla was deleted from the array of parties.

It is stated that as per DAR and the chargesheet the accident was caused due to negligent act of Manish Shukla and even the CCTV footage shows his negligence in causing the accident. However on the statement of petitioner, his name was deleted as he was the husband of the injured. Therefore, it is stated that due to non-joinder of the said party, the said petition is not maintainable. It is therefore prayed that the present petition be dropped against the respondents.

In reply to the said application, it is stated by the petitioner that review application is not maintainable as there is no error apparent on record nor it is a mistake therefore, the applicant can not raise these grounds in the application. Further,

it is stated that the only remedy available to the applicant is to file an appeal against the said order. It is therefore prayed that the application may be dismissed.

Heard. Record perused.

As per order dated 13.01.2023, the present DAR was converted into claim petition. Petitioner is at liberty to make respondents as a party. The order dated 02.02.2023 was passed on the statement of the injured and the grounds raised by the applicant can not be considered in the application for review where there is limited scope of amending the order.

The petitioner in the present case wants to proceed against the present respondents and whether they are solely responsible to cause the accident is a matter of trial. Accordingly, at this stage, the proceedings can not be dropped against the respondents. Hence, the application stands dismissed.

However, it is seen that since charge-sheet was not filed against the present driver and the petitioner is the master of the claim petition, he is directed to file all the documents of the vehicle involved in the accident as per his petition.

Put up on **22.01.2026**.

(Richa Manchanda)
Judge MACT-2 (North)
Rohini Courts, Delhi/13.11.2025