

MACP No. 354/22
Nagina Mehto & Ors. Vs. Rohit & Ors.

11.08.2025

Present: Ms. Anshul Thakur, Ld. Counsel for petitioners/Lrs
of deceased.
Sher Mohammad, Ld. Counsel for driver and owner
with driver in person.
Ms. Samta Jain, Ld. Counsel for insurance co.

An application u/o 1 Rule 10 r/w Section 151 CPC for impleading driver, owner and insurance company of deceased vehicle bearing registration no. DL11B-2796 in the array of respondents as respondent no. 4 to 6 respectively, has been moved on behalf of insurance company/R3 on the ground that there were involvement and contributory negligence of both the vehicles i.e., vehicle of victim and offending vehicle.

Reply to the said application filed on behalf of the petitioners.

It is stated in the application that as per DAR, both the aforesaid vehicle were involved in the accident in question and therefore, driver, owner and insurer of both the vehicles are necessary parties in the present case. It is prayed that due to aforesaid reasons, driver, owner and insurer of deceased's vehicle may also be impleaded in the present matter as respondent no. 4 to 6 respectively.

In their reply filed on behalf of petitioners, it is claimed that present application is not maintainable as respondent no. 3 being the insurer of offending vehicle is liable to pay compensation to the petitioners in the present case. It is

further claimed that necessary parties have already been impleaded in the DAR. On merits, they have denied the averments made in the present application and prayed for its dismissal.

I have perused the record.

It may be noted here that since LRs of deceased are already arrayed as petitioners in the present case, they as well as owner and insurer of deceased vehicle, can not be impleaded as respondents in the present case. Secondly, as far as the defence of contributory negligence is considered, the same is a matter of trial. Accordingly, present application stands dismissed.

Perusal of case file shows that matter was at the stage of PE.

Put up for PE on **06.12.2025**. List of witnesses, if any be filed by both the parties within 2 weeks. Evidence by way of affidavit on behalf of petitioner be filed within 4 weeks after supplying the advance copy to the respondents through counsel against receipt.

(Richa Manchanda)
Judge MACT-2 (North)
Rohini Courts, Delhi/11.08.2025