

MACP No. 407/19
Nadeem Vs. Lrs of Haider Ali & Ors.

04.09.2024

Present: Sh. Palvinder Singh, Ld. Counsel for petitioner.
None for driver-cum-owner (*defence struck off vide order dated 18.12.2019*).
Sh. Deepak Godara, 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 vehicle bearing registration no. UP55-K-9381 in the array of respondents, has been moved on behalf of insurance company/R2.

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

It is stated in the application that on 26.04.2018 at around 6:00 pm, the alleged accident was caused in between the car bearing registration no. DL8C-AW-2562 being driven by Sh. Haider and a tractor bearing no. UP55K-9381 and resulted thereof fatal injuries to Haider and Islamuddin and grievous injury to Nadeem Khan. It is further stated that FIR was registered against the driver of Tractor No. UP55K-9381 and chargesheet has also been filed in the matter against the driver of the tractor only. However, the present petition has been filed only against the driver, owner and insurance company of the car only without impleading the driver, owner and insurance company of the tractor. It is prayed that due to aforesaid reasons, petitioners may be directed to implead the driver, owner and insurance company of tractor also.

In their reply filed on behalf of petitioner, it is claimed that it is the prerogative of the petitioner to claim the compensation from any of the tort-feasors. For this, he has relied upon the following judgments:-

1) NIC v. Abraham K.U & Ors. (DHC) decided on 06.07.2023 in CM(M) No. 461/2022.

2) Raj Pal Kaur Vs. Pawan Gir, in CM (M) 1187/2013, DOD:30.10.2013

3) Om Wati & Ors. Vs. Mohd. Din & Ors., 2001 91 DLT 184.

While relying upon the aforesaid judgements, Ld. Counsel for petitioners submits that insurance company has moved the present application just to delay the proceedings of the present case and prayed that the same may be dismissed.

I have perused the record and judgements relied upon by the petitioners.

In the present case, petitioner has claimed compensation from the driver, owner and insurance company of car and he can not be compelled to implead driver, owner and insurance company of aforesaid tractor. In view of the above discussion and in the light of aforesaid judgements, present application stands dismissed.

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

Put up for RE on 21.11.2024.

(Richa Manchanda)
Judge MACT-2 (North)
Rohini Courts, Delhi/04.09.2024