

MACP No. 310/21
Raj Bala & Ors. Vs. Munna Ali & Ors.

15.01.2024

Present: Sh. Dinesh Aggarwal, Ld. Counsel for
petitioners/Lrs of deceased.
None for R1.
Sh. A.S. Mann, Ld. Counsel for R2 & R3.
Ms. Umesh Kaushal, Ld. Counsel for insurance
co./R4.

An application u/o I Rule 10 (2) of CPC filed on
behalf of petitioners. Copy supplied.

Ld. Counsel for respondents no. 2 to 4 submits that
they do not want to file any formal reply to the said application
and they have no objection, if the said application is allowed.

It is stated in the application that during the
preparation of evidence, it has been come to the notice that there
was involvement of other vehicles also and the said fact is
corroborated from the FIR and chargesheet as well. It is further
stated that all the three vehicles have also been seized by the IO
and got mechanically inspected. It is further stated that IO has
filed the DAR against only one offending vehicle no. UP22-AT-
2542, its driver, owner and its insurance company and they were
only made parties in the present case. It is prayed that since there
is prima-facie established fact according to the FIR and
chargesheet that there was use and involvement of other two
vehicles no. HR38W-4001 and HR55M-7013 in the accident in
question, therefore, driver, owner and insurance company of
aforesaid vehicle bearing no. HR38W-4001 and insurance
company of HR55M-7013 may also be made parties to the
present claim petition.

Heard on the aforesaid application. Record perused.

A perusal of FIR reveals that when the police official reached at the spot of accident, three vehicles bearing registration no. HR55M-7013(Dumper), HR38W-4001(Truck) and UP22-AT-2542(Truck) were found in accidental condition. The fact of involvement of other two vehicles are also substantiated by the statement of eyewitness namely Roopram given to the police. Also, as per law, the claimants has choice of impleadment of tortfeasors in the same petition. Since, the present application has been moved by the claimants themselves and in view of the reason mentioned above, present application is allowed. Amended memo of parties filed by the petitioners alongwith the present application is taken on record.

Issue notice of present claim petition to all the newly impleaded respondents for next date.

Put up on **01.05.2024**.

(Richa Manchanda)
Judge MACT-2 (North)
Rohini Courts, Delhi/15.01.2024