

MACP No.632/2019

Sanju Devi (LRs of Abhishek) V/s Dharmender Kumar & Ors.

12.01.2023

Present: Shri Mahesh Kumar, Ld. Counsel for the petitioner(s).

Driver and owner absent.

Shri Ankit Kalra, Ld. Counsel for the Insurance Company.

A perusal of record reveals that driver and owner were duly served for 23.10.2019, on which date they had appeared in Court through their counsel and were given time to file reply in the matter. Thereafter, they mysteriously stopped appearing in the matter.

Matter has been called out several times since morning. Nobody has appeared for driver and owner. **The driver and owner are accordingly proceeded “ex-parte” and their defence stands struck off in the matter.**

At this stage, my attention has been drawn to an application filed U/o 1 Rule 10 CPC, seeking to implead the driver, owner and insurer of truck bearing registration No.BR-06-GB-6900.

Despite repeated opportunities, reply to this application has not been filed by the petitioner(s). Today, I have heard arguments on this application.

The learned counsel for the Insurance Company submits that it is a case of composite negligence as deceased Abhishek, S/o Shri Amarjit Paswan, aged about 17 years was sandwiched between the offending vehicle/truck bearing registration No.DL-1MA-0701 and another truck bearing registration No. BR-06-GB-6900.

Heard.

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In my considered opinion, the driver of truck bearing registration No.BR-06-GB-6900, who is the informant in this case as well as owner and insurer thereof are necessary parties in the matter. IO/SHO, PS Alipur is directed to collect relevant documents with regard to ownership and insurance of vehicle registration No.BR-06-GB-6900 and file his report in the matter.

Application stands disposed off in above terms.

Let amended memo of parties be filed after filing of report by IO/SHO, PS Alipur.

Renotify the matter for further consideration now on **20.05.2023.**

(Vinod Yadav)
Judge MACT-2 (North)
Rohini Courts, Delhi/12.01.2023