

27 M A C T 95/22

LATA AND ORS Vs. GURMEET SINGH AND ORS

25.07.2023

Present: Sh. Kuldeep Kumar, Ld. counsel for the petitioner.
Sh. R.P. Mathur, Ld. counsel for R-3.

1. Vide this order, I shall dispose of an application under order 1 Rule 10(2) CPC read with section 151 CPC filed by respondent no. 3 for impleading the LRs of the Driver, Owner and Insurance Company of the Car bearing no. DL-8C-W-2894.
2. Arguments were heard on the last date of hearing.
3. Ld. counsel for the respondent no. 3 submits that on 13.12.2021, the accident has occurred because the driver of Car bearing no. DL-8C-W-2894 had hit his car in the truck bearing no. PB-02-EB-9748 from behind. The accident occurred due to rash and negligence of driving of the driver of the Car bearing no. DL-8C-W-2894. Therefore, the driver, owner and Insurance company of the car bearing no. DL-8C-W-2894 are necessary parties in this petition.
4. On the other hand, Ld. counsel for the petitioner opposed the application on the ground that the accident occurred only because of the rash and negligence of driving of Truck bearing no. PB-02-EB-9748 and not because of mistake of driver of the car bearing no. DL-8C-W-2894. Therefore, the application may be dismissed.
5. I have gone through the record and give thoughtful consideration to the rival submissions.
6. In the FIR no. 838/2021 Jevar, UP, it has been mentioned that driver of Truck bearing no. PB-02-EB-9748 has

applied break suddenly therefore, the car bearing no. DL-8C-W-2894 hit the said truck from behind. The driver of the Car bearing no. DL-8C-W-2894 must be vigilant while driving the car. He should had also applied the break. It is a matter of trial to ascertain as to whose rash and negligent driving is the cause of the accident. Therefore, the driver, owner and Insurance company of the car bearing no. DL-8C-W-2894 are necessary party for just decision of this petition. The application is allowed. The petitioner was also traveling in the car bearing no. DL-8C-W-2894. Therefore, petitioner is directed to provide the details of the driver of the Car bearing no. DL-8C-W-2894.

Issue notice to **Sh. Hans Raj Daksh S/o. Sh. Ram Bharose, R/o. H. No. B-2/41, Budh Vihar Phase-I, Delhi-110086, (Owner of the car bearing no. DL-8C-W-2894) and Baja Allianz General Insurance Company Ltd. (Insurer of car bearing no. DL-8C-W-2894)** to appear in person on NDOH through SHO.

Put up on 06.09.2023.

(Gagandeep Jindal)
ADJ-1+ MACT, N/W, Rohini Courts,
25.07.2023