

MACT 16/24
DAR-RAJESH VS. OMPRAKASH
15.02.2024

Present:- Sh.Satender Singh, Advocate for petitioner.
Sh.Vaishnavi Singh, Advocate for respondent no. 1.
Sh. Sumit Verma, Advocate for respondent no.1
(through video conferencing).
Sh.Ashish Jain, Advocate for respondent no.2.

An application has been made under order 8 Rule 1 read with section 151 CPC also read with section 5 of the Limitation Act for seeking condonation of delay in filing the WS.

Submissions heard. Application perused.

In the application, respondent no. 1/driver could not file his WS within the stipulated period on the ground that respondent no.1 was not having funds to pay fee to his counsel and also he could not collect the documents of the offending vehicle, therefore, WS could not be prepared, thus, it has been prayed delay in filing the WS may be condoned.

Keeping in view the reason mentioned in the application and the interest of justice, I condon the delay in filing WS. Application stands disposed of accordingly.

WS of respondent no.1 is taken on record. copy supplied.

Ld. Counsel for respondent no.2 seeks some more time to file WS on the ground that he has recently been engaged in the instant matter, therefore, he could not prepare the WS. Heard. Allowed.

Ld. Counsel for respondent no.1 & 2 inform that offending vehicle was duly insured with the National Insurance company Ltd. at the time of accident. Copy of the Insurance Policy is placed on record.

At this stage, Ld. Counsel for petitioner made an application under order 1 rule 10 read with section 151 CPC praying therein for impleading the Insurance company as respondent no. 3 in the memo of parties.

On perusal of Insurance Policy, it has transpired that offending vehicle bearing No. UP 14 AQ 3407, the 3rd party Insurance of the offending vehicle was covered with the National Insurance company Ltd. at the time of accident. Ld. Counsel for petitioner has prayed that National Insurance company Ltd. being insurer for third party may be impleaded as respondent no.3 in the array of parties.

In view of the above, I allow the application and accordingly, National Insurance company Ltd. is impleaded as respondent no. 1 in the array of parties. Application is disposed of accordingly.

Petitioner is directed to file fresh memo of parties on record on or before NDOH.

Issue notice of the petition to newly impleaded respondent no.3/National Insurance company Ltd. on filing of PF/RC for NDOH.

At this stage, Sh. Mohd. Rafi, Ld. Retainer for Insurance company appearing before this Tribunal in some other matter, he accepts the notice on behalf of National Insurance company Ltd./respondent no.3.

Respondent no.2 & 3 are directed to file their WS/reply on or before NDOH advance copy of the same to the petitioner.

Put up for framing of issues on 12.03.2024.

(Dr.Tarun Sahrawat)
PO-MACT-01/SHD/KKD
15.02.2024