

Nisar & Ors versus Saddam & Ors

-1-

BEFORE AJAY K. VERMA PRESIDING OFFICER MOTOR
ACCIDENT CLAIMS TRIBUNAL – NUH- HRO488

Application Under Order 1 Rule 10 Read With Section 151
CPC on behalf of respondent No.2 i.e Magma HDI General
Insurance Co. Ltd. and to delete them from the array of
respondents

Present: Shri Sandeep Kumar Mittal, counsel for the applicant-
respondent No.3
Shri Sagoon Khan, counsel for the respondents-petitioners

ORDER

This order shall decide an application Under Order 1 Rule 10
Read With Section 151 CPC moved on behalf of respondent No.3 i.e
Magma HDI General Insurance Co. Ltd. to delete them from the array of
respondents. Application has been moved by learned counsel for the
respondent No.3 i.e Magma HDI General Insurance Co. Ltd.

2. In the application, it is submitted by learned counsel for the
applicant-respondent No.3 that Insurance company has been impleaded in
the present claim petition as insurer, of vehicle bearing registration No.
UP-85-BS-9668, which was involved in the alleged accident, but this
vehicle was insured with the applicant-respondent No.3 only for Stand-
alone Own Damage Two Wheeler for the period of 23.07.2021 to
22.07.2022 and insurance company did not get any premium for third
party loss and said policy does not cover the third party loss. As per the
particular provided, the insured vehicle was insured with The Oriental
Insurance Company Limited for third party liability from the period of
23.07.2020 to 22.07.2025. So, the applicant-respondent No.3 has no
liability at all and the claim petition is liable to be dismissed. It is prayed

that the name of respondent No.3 be deleted from the array of respondents and imposed cost of Rs.11,000/- on the petitioner for causing inconvenience and wasting the valuable time of the Hon'ble Court.

3. Instead of filing reply to the aforesaid application, learned counsel for the petitioner has endorsed his *no objection* on the application, along with remarks "*I have no objection to allow*".

4. After hearing learned counsel for the parties and keeping in view the no objection made by learned counsel for the petitioner, the present application under Order 1 Rule 10 CPC read with section 151 CPC filed on behalf of respondent No.2 is hereby allowed.

Papers be tagged with main case file.

Pronounced in open Court
10.03.2025

Surender Kumar
Stenographer Gr.-1

(Ajay K. Verma),
P.O. MACT, Nuh.
UID Number HR-0488