

Bhup Singh & others Vs. Devender Kumar & others

Present: Sh. J.S. Ahlawat, Advocate for petitioners.
Sh. Parveen Jakhar, Advocate for respondents no. 1 and 2.
Sh. Devender Rohilla, Advocate for respondent no. 3.

Order:

This order shall dispose of an application under Section 170 of MV Act, 1988 filed by the applicant/respondent no. 3.

It is averred that there is a collusion between the petitioners and respondents no. 1 and 2. Respondents no. 1 and 2 failed to contest the petition in any manner at any stage of proceedings, then the applicant/respondent no. 3 seeks to contest the claim of petition on any ground available to the driver and owner of the offending vehicle under the Act.

On notice, petitioners have filed the reply denying all the averments of the application of applicant/respondent no. 3.

Similarly, respondents no.1 and 2 have also filed the separate reply denying all the averments of the application of applicant/respondent no. 3

I have heard learned counsel for the parties and have gone through the case file very carefully.

The perusal of file shows that apart from tendering the documents in evidence, respondents no. 1 and 2 have not appeared in the witness-box to defend their case. Hence, it seems that they are not seriously contesting the petition. Hence, it may cause prejudice to the rights of the applicant/insurance company.

Therefore, in these circumstances, the application in hand is allowed. Applicant/respondent no. 3 is allowed to take all the defences

which are available to contest the petition which could be taken by respondent no. 1 and 2.

Arguments heard.

Vide separate award of even date, the petition in hand is partly allowed.

Memo of costs be prepared accordingly.

File be consigned to records, after due compliance.

Announced in open Court.
Dated : 01.03.2017.

(Harbir Singh Dahiya),
Presiding Officer,
Motor Accident Claims Tribunal,
Jhajjar, UID No. HR0076.

(Ravinder Singh Taxak)
Stenographer Gr.III.