

ORDER ON I.A NO.V

The counsel for respondent No.3 filed I.A. No.V under Order 14 Rule 5 R/w Sec.151 of CPC, seeking to frame additional issues as stated in the application.

2. In the affidavit filed in support of the application, it is contended that respondent No.1 appeared before the tribunal and contended about the transfer of ownership of vehicle in favour of respondent No.3. But the vehicle is not sold in favour of respondent No.3 and there is no buyer and seller relationship between the respondent No.3 & 1. As respondent No.1 contended regarding the sale of offending vehicle in favour of respondent No.3, necessary issue needs to be framed in that regard. On the said grounds, respondent No.3 sought to allow the application.

3. The counsel for petitioner submitted no objections to the application. Respondent No.1 not filed objections to the application, in spite of granting opportunities and as such, objection of respondent No.1 to the application is treated as nil.

4. Heard counsel for respondent No.3 and petitioner. Perused the materials on record.

5. The petitioners filed the present petition U/s.166 of M.V. Act claiming compensation for the death of Sri.Kadirappa, S/o.Narashimappa in the accident. The respondent No.1 appeared before the tribunal in pursuance of notice and filed the written statement. In the written statement, the respondent No.1 contended that he has sold the vehicle in favour of respondent No.3 and got executed necessary documents in favour of respondent No.3 in that regard. Further, respondent No.1 contended that as on the date of accident, he was not the owner of the vehicle and respondent No.3 was the owner of the vehicle. This tribunal has framed issues based on the pleadings of parties. The issue related to the contention raised by respondent No.1 regarding the sale of offending vehicle has not been framed. As respondent No.1 specifically contended regarding sale of offending vehicle in favour of respondent No.3, there appears necessity of framing issue in that regard. Though the issues to be framed, as sought by respondent No.3, are not necessary, additional issue need to be framed related to the contention raised by respondent No.1 pertaining to sale of vehicle. The issue related to sale of vehicle needs to be framed for just and just adjudication of contention raised by respondent No.1. Respondent No.3 has made out grounds to allow the

application. Hence, this tribunal deems it appropriate to pass the following:

ORDER

I.A No.V filed by respondent No.3 under Order 14 Rule 5 R/w Sec.151 of CPC is hereby allowed subject to modification of additional issue.

Additional issue framed.

For petitioner evidence by 30.08.2025.

1st Addl. Judge & ACJM