

**MVC.669/2022**

**Orders on IA No.1**

This IA No.1 filed by the applicant proposed party U/o 1 Rule 10(2) CPC praying to permit her to come on record respondent No.3 on record.

In this petition filed by the petitioners for the compensation of U/s 166 of MV Act, 1988, after the respondent No. 1 and 2 who are already on record as owner of the vehicle and the insurer of the said vehicle respectively, against whom the compensation is sought for the death of one Late Mohammed Khaleemulla who alleged to have dead in a RTA.

It is stated in the IA and affidavit annexed to the IA No. 1, the applicant, in the affidavit sworn by Smt.Seema Anjum, claims to be the W/o Late Mohammed Khaleemulla stating that she is also necessary party to the case to claim compensation in the present case on account of the death of the deceased Who died in the road traffic accident. therefore, she is also one of he parties to the claim petition, therefore, sought the permission to come on record as additional respondent No.3.

This IA has not been opposed by the respondents.

I have heard, perused, after going through the materials placed on record, prima facie shows that the additional respondents claims to be the wife, daughter and son respectively of the deceased Mohammed Khalleemulla, as submitted

by the Id counsel for the petitioners even though they disputes the relationship between he proposed R-3 and the present petitioners, in order to avoid multiplicity of proceedings, the petitioners submits no objection to array the proposed party as R-3.

It is also to take note of the fact at this stage as to whether she has got any right to claim any share in respect of the compensation amount which is sought against the other respondents or not, this fact can be adjudicated at the appropriate stage, presently, for the just disposal of the case as provided U/s 166 (1) under first provision of MV Act, 1988, all the legal representatives are required to be joined in such applications, which reads as follows:- 166-Application for compensation.-Application for compensation (1) An application for compensation arising out of an accident of the nature specified in sub- section (1) of section 165 may be made.

Provided that where all duly authorized by the legal representatives of the deceased have not joined in any such application for compensation, the application shall be made on behalf of or for the benefit of all the legal representatives of the deceased and the legal representatives who have not so joined, shall be impleaded as respondents to the application. The above provision itself is self explanatory, that all the legal representatives shall be made as parties, or other wise if not joined, shall be

impleaded as respondents, therefore, the applicant is the necessary parties to the case to claim compensation in the present case on account of the death of the deceased who died in the road traffic accident. That she is certainly be one of the parties to be added herein for the just decision of the case, accordingly, I proceed to pass the following,

**ORDER**

The IA No. 1 filed by the applicant U/o 1 Rule 10(2) CPC is hereby allowed, and permitted to be impleaded as additional respondent No.3 in the petition.

Petitioners are hereby directed to make necessary amendment and to furnish amended copy of petition within next date of hearing.

For amendment and amended petition.

Call on 28-12-2023.

Senior Civil Judge & JMFC.,  
Holalkere.