

MHAH010014702022

MACP No.82/2022
Utkarsha Gotral Vs. Namdeo
More & Ors.

Order below Exh.24
(Passed on : 26/06/2024)

By this application opponent no.3 prayed to incorporate the driver, owner and insurance company of Motorcycle No. MH-16-CM-3205 in the proceeding under Order 1 Rule 10 of the Code of Civil Procedure on the ground that the aforesaid vehicle was involved in the accident occurred on 23/01/2021.

2. The petitioner resisted the application and submitted that the accident was caused due to rash and negligent act of the driver of Mahindra Pickup No. MH-12-KP-559 and accordingly the driver and insurance company of said vehicle incorporated as a opponent. He further submitted that the owner and insurance company of motorcycle is not the necessary party in the present claim.

3. Heard both side. From the police paper it appears that the charge-sheet came to be filed against the driver of Mahindra Pickup No. MH-12-KP-559 with the allegation that on the alleged day of accident he was driving his vehicle in rash and negligent manner. Similarly the petition came to be filed with the allegation the accident caused due to negligent act of driver of Mahindra Pickup No. MH-12-KP-559. The petitioner did not put forth the theory of contributory negligence. It is the contention of petitioner that the driver of Mahindra Pickup was driving his vehicle in negligent manner and

therefore offence came to be registered against him. Accordingly the petitioner is claiming the compensation from driver, owner and insurance company of offending vehicle. Therefore, the driver, owner and insurance company of motorcycle is not the necessary party. Hence, application is rejected.

Date : 26/06/2024

(M. S. Tiwari)
Member, M.A.C. Tribunal
Ahmednagar.