

MHBU110003262021



**Order Below Exh.124**  
(Passed on 5.11.2025)

1. This is an application for addition of party. The respondent resisted it by filing say at Exh.125. Read the application and say. Heard both side. Perused the record.
2. Learned advocate for the applicant submitted that the present matter is in respect of accident taken place on 30.12.2009 involving the vehicle bearing No.MH-28-D-5932, which was owned by the respondent and was driven by one Prashant Purushottam Kharche, who is none other than the son of the respondent. He further submitted that though the driver of the vehicle is not necessary party, the respondent raised the objection of non joinder of necessary party, therefore to avoid technicalities, the present application is preferred. He further submitted that if the proposed party is added, no prejudice will cause to any party and it is necessary in the interest of justice to add driver of the vehicle as the party.
3. Learned advocate for the respondent submitted that the accident was not taken place due to rash and negligent act of the

driver of the vehicle in question, the applicant is trying to fill up the lacuna and it is not permissible, therefore the application may be rejected.

4. I considered rival submissions carefully. The proposed party is the driver of the vehicle in question. The respondent had raised the objection of non joinder of the driver of the vehicle. The petition is for motor accident compensation. It is the duty of Tribunal to determine the just compensation and for that purpose, the presence of the driver of the vehicle is necessary since the respondent took the objection of non joinder of necessary party/driver. Therefore, it is necessary to add the driver. No prejudice would cause if the application is allowed. Hence, I pass the following order :-

**ORDER**

- 1] Application Exh.124 is allowed.
- 2] The applicant is permitted to add Prashant Purushottam Kharche, as respondent No.2.
- 3] The applicant shall make compliance and file amended petition on or before next date.
- 4] The application is disposed of accordingly.

Dt.5/11/2025

(Purushottam B.Jadhav)  
Member MACT & DJ-1, Malkapur

MACP No.65/2021  
Sagar V/s. Purushottam

**Certificate**

I affirm that the contents of this P.D.F. file order are same word for word as per original order.

Name of Steno : Mrs.Nishat Anjum Mohd.Rafique.

Name of Court : Member MACT & DJ-1, Malkapur, Dist. Buldhana.