

**Before the Member, Motor Accident Claims Tribunal, Dhule.**  
**(Presided over by Mr.D.M.Aher)**

**Application Exh.22**

**In**

**Motor Accident Claim Petition No.244/2022**

**(CNR No.MHDH010013732022)**

**(Gajanan Vinayak Saner V/s. Hari Saitwan and Ors.)**

**ORDER**

The claimant has prayed for permission to implead Santosh Ramniwas Dhut as a legal representative of deceased respondent No.2 Ramniwas Deokar Dhut. It is stated that respondent No.2 Ramniwas, the owner of offending vehicle is expired. Hence, it is necessary to delete his name and to substitute his son Santosh in his place. Hence, this application.

2. Respondent No.1 did not file say to the application. The respondent No.3 opposed the application on the ground that respondent No.2 Ramniwas is expired two years before the date of accident. The claimant was aware of the death of respondent No.2 Ramniwas. Hence, it is prayed to reject the application.

3. I have heard the learned advocates for the parties. The papers prima facie show the involvement of offending vehicle No.MH-19/J-3031. The vehicle details show that on the date of accident, the offending vehicle was registered in the name of respondent No.2. The Detail Accident Report filed by the police also show that at the time of accident, vehicle was in the name of respondent No.2 Ramniwas. Based on this material, claimant has impleaded respondent No.2 Ramniwas in the claim petition.

4. The pursis Exh.17 accompanied with death certificate show that respondent No.2 Ramniwas was expired on 25.05.2020. The accident is occurred on 13.03.2022. Thus, respondent No.2 Ramniwas is expired much prior to the accident. However, there is no material to show that the claimant was aware about death of respondent No.2 Ramniwas. Indeed, as mentioned above, as per the papers, respondent No.2 Ramniwas was shown as owner of offending vehicle. It is significant to note that notice Exh.12 issued to respondent No.2 Ramniwas came to be accepted by his son on his behalf. At that time also, none from the family of respondent No.2 Ramniwas informed the Bailiff that Ramniwas is dead. His family members have suppressed the said fact from Bailiff.

5. It prima facie seems that though on the date of accident, respondent No.2 Ramniwas was no more, but the police papers show that even on the date of accident, the offending vehicle was standing in the name of respondent No.2 Ramniwas. As such, his legal representative has to answer the claim. Thus, the impleadment of the legal representative of deceased respondent No.2 Ramniwas is necessary for the effective and proper adjudication of claim petition. The application is liable to be allowed. Hence, the order.

6. The application Exh.22 is allowed. The name of respondent No.2 Ramniwas Deokar Dhut be deleted from the claim petition. In his place, his legal representative Santosh

Ramniwas Dhut be impleaded. The claimant to carry the proposed amendment and to file the amended copy of petition.

(D.M.Aher)

Date : 24.01.2024.

Member, M.A.C.T., Dhule.

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**CERTIFICATE**

I certify that the contents of this P.D.F. File are word to word as per Original Judgment/Order.

Name of the Stenographer : J.S.Jain.  
Name of the Court : Court of District Judge-5,  
Dhule.  
Order directly typed on dias : 24.01.2024.  
computer.  
Order checked and signed by : 24.01.2024.  
Presiding Officer  
P.D.F. Uploading Date : 24.01.2024.

Sd/- xxx

**Stenographer(Grade-I)**