

WCA.03/2019

(CNR No.MHLC340000302019)

Baburao Barde -vs- M/s. Mahalsa Construction Co.Ltd.

ORDER BELOW EXH.U-9

(Passed on this 10th November, 2022)

Instant application has been filed by the applicant for for addition of party under Order 1 Rule 10(2) of the Code of Civil Procedure. It is submitted that the applicant has filed the present application before this Court for grant of Compensation, as deceased Mangesh Baburao Barde was died during the course of employment with the non-applicant and being legal heirs and dependent/deceased the applicant filed the present application. The non-applicant appeared before the Court and filed the written statement along with the documents while perusal of the said document its released that the said Tractor is owned by Sau. Pushpa Dhanraj Chaudhari and the said tractor duly insured with Tata A.I.G. General Insurance Company Ltd.

02. It is further submitted that deceased Mangesh was working with the non-applicant and the wages is also given by the non-applicant therefore the tractor which was carried out by the deceased Mangesh is not known to the applicant therefore, they have not made party in this case. While receiving the documents it is known to the applicant that the above said person are the owner and insurance of the said tractor. It is therefore very necessary to made a party no.2 and 3 as a non-applicant no.2 and 3 as mentioned in this application. Lastly,

prayed to allow the application.

03. the learned counsel of non-applicant no.3 has given say on rear side of the application and strongly opposed as there is no legal and sufficient reason. Hence, prayed to reject application with heavy cost.

04. Perused the application and say. Heard both the parties. It appears from the record that in order to decide the matter on merit, it is necessary to add the said party in the present proceeding as mentioned in the application. If the present application is allowed, no prejudice will be caused to the concerned party because they have every opportunity to defend the matter. Therefore, in the interest of justice, this application needs to be allowed. Hence, I pass following order.

ORDER

- 1] Application – (Exh.U-9) is hereby allowed.
- 2] It is hereby directed to the applicant to add party as proposed by them on next date positively.

Chandrapur.

Date : 10/11/2022

Sd/-
(Smt. R. V. Mete)
Commissioner
Under Employee's Compensation Act,
Labour Court, Chandrapur