

**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL AT  
MUMBAI**

**ORDER BELOW EXH.14 IN MACP NO.1351 OF 2024**

**Mr. Dharmendra Ray                   ...           Applicant**  
**Vs.**  
**Raunak Samir Ganatra               ...           Opposite party**  
**And**  
**Tata AIG Gen. Ins. Co. Ltd.         ...           Insurer**

**Exh.14 – Application by Opposite Party for directions to  
implead registered owner and Insurer of the offending vehicle.**

**Coram : Shri Shashikant Eknathrao Bangar, Member,  
C.R.-3, MACT Mumbai Date : 4/11/2025**

**I. BACKGROUND :**

1. This order disposes of Exhibit 14, an application filed by the Opposite Party seeking directions to the applicant/claimant to implead the registered owner and insured of the offending motor car bearing registration No.MH-02-DJ-7110 as necessary parties to the claim petition.
2. The Insurer contends that the claim petition suffers from non-joinder of necessary parties, namely, the registered owner and the insured, whose presence is essential for complete and effective adjudication of the claim under

Sections 166 and 168 of the Motor Vehicles Act, 1988.

3. The applicant, through counsel, has filed a say stating that he has no objection to impleading the registered owner/insured and will carry out the amendment on the next date. He has further submitted that discussions have already taken place with the insurance company officers, and the connected matter is fixed for 04/11/2025.

**II. POINTS FOR DETERMINATION :**

<b>No.</b>	<b>POINTS</b>	<b>FINDINGS</b>
1	Whether non-joinder of the registered owner and insured of the offending vehicle renders the present claim defective?	Yes
2	Whether, in the interest of justice, the applicant should be directed to implead the said owner and insured?	Yes

**III. RELEVANT LAW AND JUDICIAL PRECEDENTS**

4. Under Section 166(1) of the Motor Vehicles Act, 1988, a claim for compensation is maintainable against the owner and Insurer of the offending vehicle. The expression "the owner or the Insurer" in clause (c) is to be construed conjointly, and both are necessary and

proper parties for effective adjudication and enforcement of liability.

5. In **United India Insurance Co. Ltd. Vs. Shila Datta, (2011) 10 SCC 509**, the Hon'ble Supreme Court held that while the Tribunal may proceed ex parte against non-appearing parties, the Insurer and registered owner must be before the Tribunal for any award to bind them.
5. In **Rita Devi v. New India Assurance Co. Ltd., (2000) 5 SCC 113**, and **N.K.V. Bros. (P) Ltd. Vs. M. Karumai Ammal, (1980) 3 SCC 457**, it was held that the Motor Accident Claims Tribunal is a welfare forum and should avoid dismissing claims on technicalities such as misdescription or non-joinder, which can be corrected by amendment.
6. The Hon'ble Bombay High Court in **New India Assurance Co. Ltd. Vs. Smt. Kalpana Santosh Aher, 2014 SCC OnLine Bom 1525**, observed that the registered owner is a necessary party for adjudicating liability and ensuring that the Insurer retains its right of recovery, if applicable.
7. Similarly, in **Oriental Insurance Co. Ltd. Vs. Hariram Gautam, 2019 (2) Bom CR 295**, the Court reiterated that the registered owner, driver, and Insurer are essential to

the cause of action and that the Tribunal may direct their addition at any stage of the proceedings.

**IV. APPRECIATION OF FACTS AND SUBMISSIONS**

8. The record shows that the applicant filed the claim under Section 166 of the Motor Vehicles Act for injuries sustained in the accident dated 31/07/2023 involving M.Car No. MH-02-DJ-7110. The Insurer, in its written statement, has specifically raised the plea that the registered owner and insured have not been impleaded and that such omission renders the petition defective.
9. The Insurer annexed to the application a copy of the insurance policy (Policy No. 0164105826 valid from 11/04/2023 to 10/04/2024) and the registration certificate, both showing the ownership of the vehicle in the name of Mr. Samir Kishore Ganatra.
10. The applicant's say shows readiness to implead the said registered owner and insured. Hence, there exists no contest on the factual or legal necessity of their addition.
11. The omission appears inadvertent and is curable under Order I Rule 10 of the Code of Civil Procedure, which applies to MACT proceedings by virtue of Rule 240 of the Bombay Motor Vehicles Rules, 1989.

**V. FINDINGS Point A:**

The registered owner and insured of the offending vehicle are necessary parties whose presence is essential for effective and binding adjudication.

**Point B:** The applicant must be directed to implead the said parties in the interest of justice.

**VI. ORDER**

1. Exh.14 is allowed.
2. The applicant is directed to carry out necessary amendment in the claim petition by impleading Mr. Samir Kishore Ganatra, the registered owner and insured of the offending vehicle bearing registration No. MH-02-DJ-7110, as Respondent No.3 within seven (7) days.
3. Upon such amendment, the office shall issue notice to the newly added respondent by ordinary process and RPAD at the address stated in the insurance policy and registration certificate.
4. The Insurer shall supply an additional set of pleadings for service upon the newly added respondent.

5. Failure to amend within the stipulated time shall result in automatic closure of Exh.14 without prejudice to the Tribunal's power to add necessary parties suo motu.
  
6. No order as to costs.

(Dictated and pronounced in open Tribunal)

Date : 04.11.2025

**(S.E. Bangar)**  
Member, C.R. No.3  
MACT, Mumbai