

**BEFORE MEMBER, MOTOR ACCIDENT CLAIMS
TRIBUNAL-1, NAGPUR**

(Presided over by P. B. Naikwad)

M.AC.P. No.792/2025

Vijay + 2 Vs. TATA AIG Gen. Ins. Co. Ltd. + 1

ORDER BELOW EXH.19

(Passed on 10th March 2026)

Applicant has filed present application under Order 1 Rule 10 for adding her as party. Learned counsel for applicant argued that, parents of deceased and his brother have filed present claim for compensation. However deceased was married with applicant. But petitioners have not made her party. She is necessary party to the petition. She has produced relevant documents to that effect. Hence application be allowed and she be added as party to the claim.

2] Petitioners by their say Exh.22 strongly opposed the said application. Learned counsel for petitioner argued that applicant Vaishali is not legally wedded wife of deceased. No material documents are filed on record. Only to grab the claim amount she filed present application. Therefore application is not tenable, it be rejected.

3] Having regard to the submission made and considering the material on record, I found that along with application applicant Vaishali has produced on record documents i.e. Adhar card, photographs of marriage, one news published in newspaper and the compromise deed so also bank statement. After going through the said documents prima facie it appears that applicant Vaishali has received Rs.2,50,000/- from the employer of deceased, as being his wife. The

statement of account also disclosed that said amount was credited in her account by the employer. Therefore in view of documents produced on record, the submission made by learned counsel for petitioners that Vaishali has no concern with petitioners is difficult to accept. Being social and beneficial legislation all dependents/legal representatives of deceased become necessary parties. Being wife certainly applicant is necessary party. Therefore application needs to be allowed.

4] So far as her status as wife is concerned, said issue can be decided only on merit and not at this initial stage. However as the documents produced prima facie disclosed her relation with deceased, therefore application needs to be allowed. Hence the following order.

ORDER

- i) Application (Exh.19) is allowed.
- ii) Petitioners are directed to make applicant Vaishali as party to the petition and to add her as respondent.
- iii) Applicants to carry out amendment forthwith and shall file amended plaint at earliest.

Date : 10.03.2026

(P. B. Naikwad)
Member, M.A.C.T-1,
Nagpur.

CERTIFICATE

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

(S.R. Chaple)
Stenographer (Grade-I)