

M.A.C.P No. 1152/2017
Shelton Vs ICICI Lombard & Ors

ORDER BELOW EXH.40

(Passed on this 30th day of September, 2023)

This is an application for deleting the name of respondent No.1.

2. Respondent No.1 - insurance company of Honda Motorcycle owned by the father of petitioner. There is no dispute about insurance of Honda motorcycle from 24/10/2016 to 23/10/2017. The petitioner was riding said Honda motorcycle and injured due to accident. The petitioner is not third party to claim any compensation against respondent No.1. Thus, the present application is moved for deleting its name from the petition.

3. Read the say filed by petitioner and respondent No.2 & 3. They have strongly resisted the application. According to them, as insurance company of Honda motorcycle is also essential party, thus the name of respondent No.1 appeared in the array of respondents.

4. Heard learned advocate of petitioner and respondents. Hence, following points arise for my determination and I have answered each of them with my findings thereupon are as under:

POINTS	FINDINGS
1. Whether there is adequate reason placed on record to delete the name of respondent No.1 as prayed for?	..No.
2. What order?	..Application is rejected.

REASONS**AS TO POINT NO.1 AND 2:**

5. At the outset of documents placed on record, there is no dispute that the petitioner was riding Honda motorcycle bearing No.MH-40-TCD-203 and the offending Truck gave dash to him. While perusing the written statement filed by the respondent No.2 to 4 vide Exh.16 & 27 respectively, the respondent No.1 is necessary party. Hence, considering the contentions of petitioner and respondents, there is no any adequate reason placed on record to delete the name of respondent No.1 at this juncture. The petition is filed under Section 166 of the Motor Vehicles Act for claiming compensation in respect of motor vehicular accident. Thus, after perusing the oral and documentary evidence of either side, the question of respondent No.1 whether necessary party or not can be scrutinized. At this earlier stage, there is no any cogent evidence placed on record to delete the name of respondent No.1 from the petition. Hence, I have no hesitation to reply point No.1 in the negative and in order to point No.2, I pass the following order -

ORDER

The application is rejected.

Nagpur
Date: 30/09/2023

(Sajid A. Syed)
Member,
MACT-3, Nagpur.

CERTIFICATE

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

Name of the Stenographer : G.A. Joshi (Grade-I)