

MHNS010017282021 Smt. Jyotsna Dattatray] **Petitioners**
Pawar and another]
Vs.
Nandu Jibhau Sonawane] **Respondents**
and others]



Order below Exh.31 in M.A.C.P. No.279/2021

1] Perused the application, say given by proposed respondent No.8 and herd respective parties.

2] According to petitioners, on the day of accident, deceased Dattatray was riding pillion on the motorcycle No.MH-41/AP-2280. However, due to oversight it was mentioned in the petition that, he was riding pillion on the motorcycle without having number plate. So also, accident had occurred between three motor vehicles. The owner and insurance company of Alto car bearing No.MH-10/CA-9355 were not made as parties to the petition. They are necessary parties, therefore, petitioners by way of filing present application contended that, they be added as respondent Nos.7 and 8 to the petition.

3] Notice to proposed respondent Nos.7 and 8 were issued. It was duly served. However, respondent No.7 remained absent. Respondent No.8 filed say and opposed the application. In alternative, it was submitted that, if it was added as a party to the petition, opportunity be granted to file detail reply to the petition on record.

4] It may be noted that, under Order 1, Rule 10 of C.P.C. the Court is empowered to join a person to the petition /

suit when presence of such a person is necessary for the determination of real matter in dispute.

5] The involvement of the Alto car bearing No.MH-10/CA-9355 is revealed from the record. Therefore, the presence of its owner and insurance company is necessary. Therefore, submission of the petitioner is acceptable that, their presence is essential for complete and effectual adjudication of the dispute involved in the petition.

6] Thus, considering the facts of the case, if the application is allowed and proposed respondent Nos.7 and 8 are added as parties to the petition, dispute involved in the petition would be determined completely and effectually. So also, respondent Nos.7 and 8 will also get an opportunity of hearing. Therefore, application deserves to be allowed. Hence, I pass the following order :-

ORDER

- 1] The application (Exh.31) is allowed.
- 2] Petitioners to add proposed respondents as respondent Nos.7 and 8 to the petition.
- 3] Petitioners to make necessary compliance as per rules.
(Dictated, delivered and pronounced in an open Court)

Date :- 04/07/2024.

Nashik.

(S.D.Jagmalani)
Member,
Motor Accident Claims Tribunal,
Nashik.