

MACP No.88/2021

CNR No.MHRG010005502021

Sunita & Ors. Vs. Dow Agro Science India Pvt. Ltd. & Anr.

**ORDER BELOW EXH.18**

01. The opponent No.1 filed this application to delete its name.

02. It is contended by the opponent No.1 that the offending vehicle is registered in the name of Vasant B. Ade, but he is not arrayed as a party to the petition. It is further contended that the opponent No.1 purchased the offending vehicle on 30/03/2013 and on 23/01/2018 handed over the possession of the said vehicle to LeasePlan India Private Limited. Thereafter, LeasePlan India Private Limited entered into an agreement with Mr. Iqbal Mehamud Patel and handed over the possession of the offending vehicle along with registration certificate, insurance policy, transfer document, NOC etc.. Thus, from 01/03/2018 Mr. Iqbal Mehmud Patel is registered the owner of the offending vehicle who subsequently, sold the said vehicle to Mr. Vasant B. Ade. Thus, opponent No. 1 is not necessary party to the petition as at the time of accident it was not registered owner of the offending vehicle. Hence, it is prayed that the name of the opponent No. 1 be deleted.

03. The petitioner resisted the application by filing his say.

04. Heard both the advocates and I have gone through the case of **Naveen Kumar Vs. Vijay Kumar & Ors. [(2018) 3 SCC 1]**. On going through the material on record, it reveals that the opponent No. 1 had filed similar application at Exh. 13 to dismiss the petition against it on the same ground as mentioned in the present application. Thus, the prayer in the present application was sought in the application at Exh. 13 in different words. The application at Exh. 13 is rejected on merits and that order has not challenged by the opponent No.1. In such circumstances, the present application is not maintainable. Hence, I pass following order :-

**ORDER**

1. Application at Exh.18 stands rejected as not maintainable.
2. No order as to the costs.

Alibag,  
Date :- 31/10/2023.

(N.K. Maner)  
Ex-officio Member, M.A.C.T.,  
Raigad-Alibag.