

**M.A.C.P. Case No.11/2017**  
**Ramesh+1 Vs. Santosh+1**  
**CNR No.MHWS010001152017**

**ORDER BELOW EXH.39.**

Respondent No.1 has filed this application for deletion name of the Respondent No.1. Respondent No.1 submitted that respondent is impleaded in this matter which is not as per law and which is not as per the process of law. Because, respondent No.1 neither the necessary party nor a proper party but he is impleaded in this matter. He has no concerned with the said matter. Without his implementation case can be dispose of. Therefore, he is seeking deletion of his name. He submitted that he sold the motorcycle bearing No.MH 37 H 2284 was not holding a valid license at the time of alleged accident. He is not responsible to pay any compensation to claimant. There is no cause of action against him. He sold the motorcycle to Manda Ramesh Shirsat on 20/04/2011. Incident was taken place on 22/02/2016. Therefore, prayed that application may be allowed and his name may be deleted.

2. Respondent No.2 has filed say and submitted that suitable order may be passed.

3. Claimant has filed say and strongly opposed the application and submitted that respondent No.1 is having insurance policy in his name. It is at Exh.38 and more so the respondent No.1 has admitted in para No.5 that because there is cause of action against respondent No.1. Hence, The said dispute can be decided after trial and therefore application may be rejected.

4. Heard the advocates of both the sides.

5. I have gone through the record and found that the matter is pending for evidence. The claimant has filed the documents. After gone through the record then it is found that the insurance policy is issued in the name of respondent No.1 and it is valid during the period of 28/07/2015 to 27/07/2016 and during that period on 22/02/2016 the accident was taken place. Whether the motorcycle was sold by the respondent No.1 to the claimant No.2 or not ? Whether he is liable or not ? it will be decided after the evidence and at the time of judgment. Respondent No.1 has also produced the history of vehicle registration. As per the history the owner of vehicle was Manda Ramesh Shirsat from 13/08/2015 to 08/06/2016. Prior to that till 12/08/2015 name of respondent No.1 shown as owner and insurance policy in the name of respondent No.1. Considering these reasons I come to conclusion that the policy is in the name of respondent No.1. Therefore, claimant rightly arranged the respondent No.1. In such circumstances at this stage application for deletion of the name of respondent No.1 can not be considered and it is liable to be rejected. Hence, I pass following order.

**ORDER**

Application Exh.39 is hereby rejected.

Washim  
Date : 02/11/2023

Sd/-  
(S.S.Ghorpade)  
Member  
Motor Accident Claim Tribunal, Washim.

<b><u>CERTIFICATE</u></b>	
I affirm that the contents of this PD.F file Order are same, word to word, as per the original Order	
Name of the Stenographer	S. V. Dere, Stenographer (Gr.III)
Name of the Court	Shri. S S.Ghorpade Ad-hoc District Judge-2, Washim.
Date	02/11/2023
Order signed by the presiding officer on	02/11/2023
Order uploaded on	02/11/2023