

Surinder Kaur and others Vs. Mukesh Kumar and others.

MACT No. 24 of 29.7.2017.

Regn. No. 313 of 2017

CNR No. PBPT-01-007868-2017

Present: Sh. Atma Singh, cl for the claimants.

Heard on the application under order 1 rule 10 CPC for impleading the name of the insurance company of offending vehicle in the present petition as respondent No. 3, which has been filed claimants through counsel, on the ground that the claimants inquired from P.S.Shambhu in case titled as State Vs. Mukesh Kumar vide FIR No. 0079 dated 2.7.2017 under section 304A IPC, that the car make Swift bearing No. HR05AP0940 has been insured by The New India Assurance Co., Ltd., which is liable to be impleaded as respondent No. 3 in the present petition. It has been further submitted that if the name of insurance company is not impleaded then the claimants shall suffer an irreparable loss and injury which cannot be compensated in any manner and prayed for allowing the application.

As far as the impleading of party in a litigation is concerned I relied upon Anil Kumar Singh Vs Shiva Nath Mishra 1995(1) Supreme Court the **Apex Court** has spelt out two necessary condition for brining a party on record being;

1. That there must be a right to some relief against him in respect of the dispute involved in the suit
2. That his presence should be necessity to enable the court to effectually and completely adjudicate upon and settle all the questions involved in the suit.

So to my mind as discussed above the applicants have direct and substantial interest in the outcome of this litigation, and as the insurance company having a direct interest in the litigation, it is necessary party to implead in the claim petition. As such the application is allowed and insurance company be impleaded as respondent in the claim petition. Amended title filed.

Now to come up on 22.11.2017 for summoning respondent No. 1 through postal courier and fresh notice to respondent No. 2/insurance company be also issued through ordinary process for the said date.

typed by tanu sharma

Stenographer Gr-I

(Devinder Kumar)

MACT/Patiala/17.10.2017

..... ***Vs***.....

Filing ID No.,.....

CNR No. PB.....

Present :

Vide my separate order of even date the application under order 1 Rule 10 CPC stands allowed. Now the case is fixed for.....

Pronounced. Dated:-----	Sandeep S. Jossan PB0150 Additional District Judge, -----.
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