



\$~44

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 2437/2024 & CM APPL. 24808/2024,
IFFCO TOKIO GENERAL INSURANCE CO. LTD.

..... Petitioner

Through: Mr. Navneet Kumar & Mr.
Ashwary Kathed, Advs.

versus

SADHNA SINGH & ORS. Respondents

Through: None.

CORAM:
HON'BLE MR. JUSTICE DHARMESH SHARMA

% **ORDER**
29.04.2024

CM APPL. 24809/2024 – EXMP.

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

CM APPL. 24810/2024 (Delay of 124 days in filing the present appeal)

3. This application has been moved on behalf of the appellant seeking condonation of delay of 124 days in filing the present appeal.
4. For the reasons stated in the application, the application is allowed and delay of 124 days in filing the present appeal is condoned.
5. The application stands disposed of.

CM(M) 2437/2024

6. The petitioner/Insurance Company is assailing the impugned order dated 03.01.2023 whereby, the learned Tribunal has dismissed its application under Order I Rule 10 CPC so as to decline



impleadment of the driver and owner of the ill-fated Ambulance which was involved in the fatal motor accident with the offending truck. In this regard learned counsel for the petitioner placed reliance upon the order dated 07.02.2024 titled as **Virender Kumar & Ors. vs. Somvir & Ors.** of this Court.

7. No one is present for the respondent despite sending advance notice.

8. It is also pointed out that the claim petition is at its initial stage and the owner of the offending truck is yet to be served with the notice of the petition.

9. On bare perusal of the impugned order dated 03.01.2023, it is manifest that deeper examination of the matter is required. It is stated that the matter is listed before the learned Tribunal on 03.07.2024.

10. Let notice of the present petition be issued to all the respondents as well as through their counsels.

11. Re-notify on 25.09.2024.

DHARMESH SHARMA, J.

APRIL 29, 2024/sa