



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

297

CR-88-2025 (O&M)

Date of decision: 15.09.2025

Suman Devi and another

...Petitioners

V/s

Vijay Kumar Sharma and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Prashant Singh Chauhan, Advocate, for the petitioners.

None for the respondents despite service.

VIKRAM AGGARWAL, J (ORAL)

The instant revision petition, preferred under Article 227 of the Constitution of India, assails order dated 08.11.2024 passed by the Motor Accident Claims Tribunal, Rewari (hereinafter referred to as the "MACT"), vide which the application filed by the respondent-insurance company under Order 1 Rule 10 read with Section 151 of the Code of Civil Procedure, 1908 (for short the "CPC") for being impleaded as a party was allowed.

2. A claim petition (Annexure P-1) under Section 166/147/165 of the Motor Vehicles Act, 1988 (for short the "MV Act") was filed by the petitioners for the grant of compensation on account of the death of one Sh. Ram Niwas, who is stated to have expired in a motor vehicular accident, which took place on 14.08.2022.

3. It was averred in the claim petition that on 14.08.2022, Ram Niwas, who was a conductor/helper in a truck bearing Regn. No.HR-47C-7006, started his journey from Nizampur, Maharashtra to Delhi. When the truck reached in front of Ramdev Dhaba in the revenue estate of



Village Neemrani on Bombay-Indore Road, it was struck from behind by another truck bearing Regn. No.MH-18BG-6772 (in present revision petition mentioned as MH-18BG-6672). It was claimed that the accident, as a result of which Ram Niwas expired, had taken place on account of the rash and negligent driving of truck bearing Regn. No.HR-47C-7006.

4. During the pendency of the claim petition, an application under Order 1 Rule 10 CPC was moved by the insurance company of truck bearing Regn. No.HR-47C-7006 for impleading the insurance company of truck bearing Regn. No.MH-18BG-6772, as a party.

5. The application was opposed by way of a reply (Annexure P-3).

6. By way of the impugned order, the said application was allowed, leading to filing of the present revision petition.

7. I have heard learned counsel for the petitioners.

8. Learned counsel for the petitioners submits that being the *dominus litis*, it was for the claimants to see as to from whom the claim was being sought and accordingly, the respondents had to be impleaded. Learned counsel submits that the specific claim set up in the claim petition was that the accident as a result of which Ram Niwas had expired, had taken place on account of the rash and negligent driving of the driver of truck bearing Regn. No. No.HR-47C-7006. He submits that in case, the petitioners are unable to prove the same, they would have to suffer the consequences and that under no circumstance, the petitioners could be forced to implead the insurance company of the other truck.

9. I have considered the submissions made by learned counsel for the petitioners.

10. Concededly, the claim petition was filed by the widow and minor daughter of late Sh. Ram Niwas, who expired in a motor vehicular accident



which took place on 14.08.2022. The specific stand taken in the claim petition was that the accident had taken place on account of the rash and negligent driving of truck bearing Regn. No.HR-47C-7006. It has to be borne in mind that the petitioners are *dominus litis* of their case and if they are not able to prove their contentions, they shall have to suffer the consequences. In any case, it was not open for the insurance company of truck bearing Regn. No.HR-47C-7006 to get the insurance company of the other truck impleaded, against whom no claim had been made.

11. That being so, the impugned order is found to be not sustainable. Accordingly, the revision petition is allowed and the impugned order vide which the application under Order 1 Rule 10 CPC was allowed, is set aside. Consequently, the application stands dismissed.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

September 15, 2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No