

M/S B And B Colonels Kababz vs Ashok Kumar & Ors. on 3 April, 2025

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 03.0

+ CM(M) 611/2025, CM.APPLs.19448/2025 & 19449/2025

M/S B AND B COLONELS KABABZ

.....Petitio

Through: Mr. Harpreet Singh Nagpal, Mr.

Pritpal Singh Chawla and Mr. Ga

Kumar, Advs.

versus

ASHOK KUMAR & ORS.

.....Respond

Through:

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

1. The present Petition has been filed under Article 227 of the Constitution of India challenging the orders dated 10.07.2024 and 06.11.2024 [hereinafter referred to as "Impugned Orders"] passed by the learned Motor Accident Claims Tribunal, District North West, Rohini Courts, Delhi [hereinafter referred to as "Tribunal"] in MACT 638/2023 pursuant to an accident which has taken place in respect of FIR No. 332/21 dated 22.06.2021.

2. It is the case of the Petitioner that he was the original registered owner of the vehicle in issue which is stated to have been involved in an accident. The Petitioner has submitted that he sold the vehicle in issue i.e., HR 26 AV 8347 to one Sh. Karan Angad Singh on 13.03.2020. The possession of the vehicle along with all original documents i.e., Registration certificate, insurance policy, etc. was also delivered to Sh. Karan Angad Singh and the statutory forms i.e., Form 29 and Form 30 of the Central Motor Vehicle Rules, 1989 for transfer of registration were also signed and handed over to Sh. Karan Angad Singh.

3. It is contended by the Petitioner that the transfer of Sh. Karan Angad Singh was completed by the Petitioner. However, thereafter, in view of the nation-wide lockdown, this transfer could not take place. Subsequently, the Petitioner was informed on 03.06.2020 that the said Sh. Karan Angad Singh sold the vehicle in issue to Respondent No.3 and this statement of Sh. Karan Angad Singh has been acknowledged by Respondent No.3 in his written statement.

4. The grievance of the Petitioner stems from the fact that although he filed an Application under Rule 32 read with Rule 9(3) of Delhi Motor Accidents Claims Tribunal Rules, 2008 read with Order I Rule 10(2) read with Section 151 of the Code of Civil Procedure, 1908 for impleading the previous owner, Sh. Karan Angad Singh as a party to the Petition (hereinafter referred to as "Impleadment Application"). The Impleadment Application was not considered prior to framing of issues and the matter proceeded for evidence.

5. Learned Counsel for the Petitioner submits that the Impleadment Application, was filed on 11.09.2023 and notice in the said Application was also issued on 11.09.2023. Reliance is placed on Annexure P-7 and Annexure P-8 which are annexed with the present Petition which are the Impleadment Application and order issuing Notice.

6. It is the case of the Petitioner that although, Notice was issued in the Impleadment Application, no Reply was filed by any of the contesting parties. Subsequently, the learned Tribunal proceeded in the matter, the Impleadment Application filed by the Petitioner/Respondent No.2 was not decided at the time of disposal by the learned Tribunal, prior to fixing the matter for evidence. A perusal of the order sheets between 11.09.2023 to 06.11.2024 reflects that the pleadings in the Application were not completed nor were any arguments held.

6.1 Clearly, in view of the fact that there were multiple Applications filed under the same provisions, it seems that the Impleadment Application escaped the attention of the learned Tribunal. Although, it was incumbent on the Petitioner to ensure that between the period from 11.09.2023 till 06.11.2024, this should have been brought to the attention of the learned Tribunal by filing an appropriate Application.

7. In view of the directions that this Court proposes to pass today, this Court does not deem it necessary to issue Notice in the matter. In view of the fact that the Impleadment Application has not been adjudicated, this Court deems it apposite to allow the present Petition, subject to the payment of costs in the sum of Rs.15,000/- payable directly to the "Bar Council of Delhi-Indigent and Disabled Lawyers Account".

8. The learned Tribunal shall take up the Impleadment Application which is annexed at Annexure P-7 to the case file and decide it on the next date of hearing so as not to interfere with the Schedule of the evidence.

9. List the matter before the learned Trial Court on 22.04.2025.

10. The Petitioner shall provide a copy of the order passed today to the opposite party by email under acknowledgment. In the event, other party wishes to file a Reply, let the same be filed within a week. Rejoinder, if any, be filed within three days before the learned Tribunal.

11. The Petition is disposed of in the foregoing terms. All pending Applications stand closed.

12. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J APRIL 3, 2025/r/jn Click here to check corrigendum, if any