

WP No.3937/2012**30/04/2012**

Shri N.S.Rathore, learned counsel for the petitioner.

Heard on the question of admission.

This Writ Petition under Article 227 of the Constitution has been filed by the petitioner challenging the order dated 9/3/2012 by which the MACT has allowed the application of respondent No.3 Insurance Company for impleadment of the additional respondent.

In a claim petition filed by the appellants, the respondent No.3 Insurance Company had filed an application stating that the appellants had received the compensation amount from the owner of the motor cycle and the said amount was received as OD claim from the Insurance Company, yet the owner of the motor cycle and the Insurance Company have not been impleaded in the matter to suppress the said fact. In the aforesaid background, a prayer was made for impleading the owner, driver and Insurance Company of the motor cycle. The tribunal by the impugned order has allowed the said prayer.

Learned counsel for petitioners submits that the petitioners who had filed the claim petition are *dominus lites* and that against their choice no party can be impleaded in the

matter. Such an argument raised by the petitioners cannot be accepted. In order 1 Rule 10 CPC the Court has discretion to add any party which is necessary for the determination of the real matter in dispute. Considering the nature of allegation which has been made, the Court has not committed any error in accepting the prayer which was made by the respondent No.3 Insurance Company. The impugned order passed by the tribunal does not suffer from any jurisdictional error nor the Tribunal has committed any illegality while passing the said order.

Thus, no case for interference is made out and the Writ Petition is accordingly dismissed.

(PRAKASH SHRIVASTAVA)
JUDGE

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