



2026:AHC-LKO:21850

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

MATTERS UNDER ARTICLE 227 No. - 1104 of 2026

Lal Mohammad

.....Petitioner(s)

Versus

Vijay Bahadur Singh And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Lal Bahadur Khan
Counsel for Respondent(s)	:	

Court No. - 5

HON'BLE ALOK MATHUR, J.

1. Heard Shri R.A. Khan, Advocate holding brief of Shri Lal Bahadur Khan, on behalf of the petitioner.
2. In light of the proposed order, notice to private respondents, is dispensed with.
3. By means of present writ petition, the order dated 10.10.2024, passed by the Motor Accident Claim Tribunal, Lakhimpur Kheri has been assailed, by means of the impugned order, the application under Order 6 Rule 17 C.P.C. filed by the claimant, has been allowed and notices have been issued to the opposite parties.
4. It has been submitted by counsel for the petitioner that the opposite parties no.1 and 2 had preferred a claim before the Motor Accident Claim Tribunal, stating that on 11.11.2020 at 4.30 P.M. his son was coming from Village Madriya, P.S. Mitauli on a Motor Cycle No. U.P. 31 A.E. 7150 to Gola, had met with an accident and been hit by the red color tractor, wherein he was severely injured and it is for the aforesaid fact, a First Information Report was also lodged, for which compensation was sought. It seems that the claimant did not appear before the Motor Accident Claims Tribunal on number of dates and subsequently, by means of order dated 14.12.2023, the claim was dismissed for want of prosecution. .
5. It has been submitted that subsequently, the claimant had moved an

application, on which order dated 14.12.2023 has been set aside and proceedings are continuing before the Motor Accident Claims Tribunal.

It is in the said proceedings, an application under Order 6 Rule 17 C.P.C. has been moved, on 21.08.2024, seeking to amend their petition and in the said application the petitioner has also been made a defendant, in the said proceedings. The application has been allowed by means of order dated 10.10.2024 and for the said issue, the petitioner had appeared in the proceedings and also filed his written statement denying the claim made by the claimant and stating that he is not in any manner connected with the said accident.

6. It is in the aforesaid circumstances, the petitioner has challenged the order dated 10.10.2024, in the present writ petition. The ground submitted by the petitioner is, that there is no concern with the said dispute and accordingly, the very application by which he was made a party, requires to be set aside.

7. This Court is of the considered view that once the application preferred by the claimant, has been allowed and the petitioner has been made a party, in which proceedings he is already participating, has already filed a written statement and all the grounds raised in the present writ petition, are subject matter for adjudication, before the Motor Accident Claims Tribunal, in Claim No. 51 of 2021 and for the same cause of action, a writ petition under Article 227 of the Constitution of India, would not be maintainable. Accordingly all the issues raised by the petitioner, are subject matter for adjudication, before the Motor Accident Claims Tribunal and the same shall be decided after due consideration and evidence on record. No other ground was urged, while assailing the impugned order.

8. Apart from the above, I find that there is extremely long delay, in filing the writ petition for assailing the order dated 10.10.2024, which has not been adequately explained, by the petitioner and consequently the petition also suffers from laches.

9. It is for the aforesaid reason, no ground for interference is made out.

10. The petition is devoid of merits and is, accordingly, ***dismissed***.

March 26, 2026
Muk

(Alok Mathur,J.)