

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7661 OF 2015

AMRIK ARJUNSING BHATTAL
VERSUS
DEVIDAS SURYABHAN TANPURE AND ANOTHER

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Advocate for Petitioner : Shri Upadhye V.N.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: August 01, 2015

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PER COURT :-

1. Shri Upadhye, learned Advocate has strenuously criticized the order dated 12.6.2015, passed by the Employees' Compensation Court below application Exhibit C-26, in application WC No. 78 of 2011.
2. He contends that the petitioner has been arrayed as an opponent in the Compensation Claim, preferred by the respondents. Cause of action pertains to a particular truck bearing registration No. MP-09-KB-8194, which is owned by one Amratsingh Arjunsing Bhattal. The deceased is said to be his employee. The petitioner is not even the real brother of said Amratsingh Arjunsing Bhattal. The registration certificate of the said truck was also placed before the Compensation Court while filing application Exhibit C-26, thereby, praying for deletion of the petitioner from the proceedings and for directing the applicants to add the owner of the said truck since there is no dispute as regards the identity of the said truck being involved in an accident.
3. He further submits that despite the above factors having been brought to the notice of the Compensation Court, Exhibit C-26 has been rejected only on the ground that the owner of the truck has to be the opponent and the applicants cannot be compelled to add Amratsingh Arjunsing Bhattal as an opponent.

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4. I have considered the submissions of Shri Upadhye. The registration certificate of the said truck is on record. The said truck has been identified as being the accident truck, which as resulted in the death of a person, namely, Anil Devidas Tanpure.

5. The case before the Compensation Court is pending. An issue in the light of application Exhibit C-26, considering the objections of the petitioner herein can surely be framed. The said issue can then be decided by the Compensation Court. If the claim suffers from non-joinder of parties, the applicants would have to face the consequences. Suffice it to say, the present petitioner, if is finally held to be not the owner of the said truck and unconnected with the accident, he can surely pray for exemplary costs for having made to suffer rigours of litigation.

6. With the above observations, this petition is disposed off.

(RAVINDRA V. GHUGE, J.)

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