

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL REVISION APPLICATION NO. 4 OF 2015

MR. SANDIP PANDURANG NAIK. ... Petitioner
Versus
SMT. RASHMI R. NAIK AND 7 ORS., ... Respondents

Shri Shriram Polle, Advocate for the Petitioner.

Coram:- N. M. JAMDAR, J.

Date:- 28th January, 2015

ORAL ORDER:

By the impugned order dated 27/11/2014, the application made by the petitioner for deleting himself from claim petition has been rejected by the Motor Accident Claims Tribunal, North Goa, Panaji-Goa.

2. The petitioner sought deletion on the ground that the petitioner is the owner of the scooter involved in the accident and there are no allegations against him and, therefore, he is not a necessary party to the proceeding. The Trial Court has taken a view that at this stage, it cannot be concluded that he is not necessary party. The learned counsel for the petitioner relied upon decision of the learned Single Judge of this Court in the case of " Maharashtra State Road Transport Corporation Vs. Pundlik Nathuji Adagale & Ors." reported in 2013 (5) MR 357, to contend that the petitioner is not a necessary party. The decision relied upon arises from the proceeding challenging the

final award. If the petitioner is right in his contention that no relief is claimed and can be granted against him, the petitioner will succeed at the stage of final hearing. At this stage it is not necessary to interfere with the discretion exercised by the learned Presiding Officer. No error of jurisdiction is found. The contention of the petitioner raised in this revision is kept open to be agitated at the time of final hearing of the matter.

3. The revision is rejected.

N. M. JAMDAR, J.

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