

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

FIRST APPEAL NO. 1099 OF 2012

GOVIND SAKHARAM JADHAV AND OTHERS
VERSUS
CHANDRASHEKHAR SUDAM CHALAK AND OTHERS

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Advocate for Appellants : Mr. Sudhir K. Chavan.

Advocate for Respondent No.1 : Mr. K. S. Solanke, h/f Mr. S. J. Salunke.

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CORAM : **P. R. BORA, J.**

DATE : 03rd August, 2016.

ORDER:

. When the present matter is taken up for hearing, the learned counsel for the Appellants as well as the learned counsel for Respondent No.1 have jointly submitted that the present appeal can be disposed of in view of the order passed by this Court on 14th September, 2015 in First Appeal No.1100 of 2012, which was also arising out of the same accident, and have, therefore, prayed for disposing of the present appeal on the similar lines. Copy of the judgment and order delivered by this Court in First Appeal No.1100 of 2012 on 14th September, 2015 is placed on record. The same is taken on record and marked 'X' for identification purpose.

2 It is revealed that all the claim petitions arising out of the accident happened on 29th May, 2008, having involvement of a Jeep

bearing registration No.MH-12-JA-4360, were dismissed by the Motor Accident Claims Tribunal on the ground of non-joinder of necessary parties. In some of the matters wherein appeals were preferred to this Court, this Court has relegated the matters back and the said order is placed on record. In the present petition, in view of the fact that similar circumstances are there and the claim petition is arising out of the same accident, I do not see any reason to take any contrary view. Hence the following order :

ORDER

- I. The impugned judgment and award is quashed and set aside.
- II. The matter is remitted back to the Motor Accident Claims Tribunal, Osmanabad.
- III. The Tribunal shall permit the Claimants to add Abasaheb Dhondiram Chavan (Respondent No.3 in the present appeal) as party respondent and the said respondent be permitted to file his say within one month from the date of his appearance.
- IV. Considering the fact that the matter is remitted

back to the Tribunal, the Tribunal shall endeavour to dispose of the proceedings expeditiously, preferably within 9 months from the date of appearance of the parties.

V. The parties are entitled to adduce additional evidence.

VI. The Motor Accident Claim Petition, shall be disposed of on its own merits.

VII. Record and proceedings be sent back immediately.

VIII. The First Appeal is accordingly disposed of.

[P. R. BORA, J.]

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