

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AURANGABAD**

WRIT PETITION NO. 12896 OF 2016

Balraj Moham Gadekar

...Petitioner

VERSUS

Supriya Sunil Navle and others

...Respondents

.....
Shri N.S.Tekale, advocate for petitioner
.....

CORAM : S.V.GANGAPURWALA, J.

DATED : 16th January, 2017

O R D E R :-

Learned counsel for the petitioner submits that the application filed by the petitioner under Order VII Rule 11 of the Civil Procedure Code is rejected without considering the merits of the contentions raised therein. According to the learned counsel, the owner of the vehicle, in which the deceased was travelling, was not made party. On that count, the application under Section 166 of the Motor Vehicles Act ought not to have been rejected.

2. I have considered the submissions.

3. The proceedings are summary in nature. The Court has opined that the aspect can be examined only at the time of trial on merits. The Court has not concluded its finding. The Court has rightly passed the order considering the nature of the proceedings. In view of that, no case for interference is made out.

4. The Writ Petition is disposed of. No costs.

(S.V.GANGAPURWALA, J.)

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