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

934. WRIT PETITION No. 74 of 2016

Bhagwan Motor Driving School, Ahmednagar ... Petitioner
Versus
Madhukar Bhimraj Jadhav ... Respondents

Mr. S.H. Panchal, Adv. h/f. Mr B.N. Palve, Adv. for petitioner

Coram : N.M. Jamdar, J.

Date : 27 November 2018.

ORAL ORDER :

1. The petitioner, who is opponent No.1 in the Motor Accident Claim petition No. 259 of 2013 pending before the Motor Accident Claims Tribunal, Ahemadnagar, has challenged the rejection of his application below Exhibit No. 17 dated 20 August 2014 to join a party in the application.

2. The application has been filed claiming compensation on the ground that there was an accident in which the petitioner is liable to pay compensation. It is the case of the petitioner that there was

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negligence on the part of the driver of the auto rickshaw involved in the accident and it is necessary to add owner of the auto-rickshaw as a party-respondent in the application. The learned Judge has rejected the application holding that it is the choice of the claimant to join the party. The petitioner has put-forth his version. If the applicant has not joined the rickshaw owner as a party respondent, consequences of such choice will have to be decided by the learned Tribunal at the time of hearing of the application. Whatever is the consequence of not joining the rickshaw owner, on the liability of the petitioner, the petitioner can obviously argue the same at the time of hearing of the application, which argument will be considered by the learned Tribunal on its own merits. In these circumstances, no interference is warranted in the writ petition.

3. The writ petition is accordingly disposed of.

N.M. Jamdar, J.