

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

9 WRIT PETITION NO. 2533 OF 2018

BAJAJ ALLIANZ GENERAL INSURANCE CO.
LTD. THR. ITS AUTHORIZED SIGNATORY,
AURANGABAD.

VERSUS

BHARAT KESHAV JOSHI & ANR.

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Mr. Mohit Deshmukh h/f Mr. S.G.Chapalgaonkar,
Advocate for Petitioner.

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CORAM : V.L.ACHLIYA, J.

DATE : 2nd APRIL, 2018

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ORAL ORDER :

1. The petitioner has filed this Writ Petition under Article 227 of Constitution of India challenging the order dated 13/07/2017 passed by the Member, Motor Accident Claims Tribunal, Dhule in M.A.C.P. No. 311/2010. By the impugned order, the Tribunal has rejected the application [Exh.62] filed by the petitioner-respondent No. 2 seeking direction to join HDFC Ergo General Insurance Co. Ltd. as party respondent No. 2 to the claim petition.

2. In nut-shell, it is the contention of the learned counsel for the petitioner that the vehicle involved in the accident was insured with the petitioner as well as HDFC

Ergo General Insurance Co. Ltd. covering the date of accident. According to the petitioner, the liability is required to be apportioned between two insurance companies in terms of Section 168 of Motor Vehicles Act. In this back-ground, learned counsel for the petitioner contended that the impugned order is not sustainable in law.

3. On due consideration of the submissions advanced in the light of the order passed by the Tribunal, I am of the view that the impugned order is well reasoned and calls for no interference in exercise of supervisory jurisdiction under Article 227 of Constitution of India. The respondents [claimants in claim petition] have opposed the application. It is apparent from the order passed that the application was filed at the belated stage i.e. after the closure of evidence. The fact is not in dispute that the vehicle in question was insured with the petitioner – insurance company covering the date of accident and in the event of Award passed, the petitioner is under the statutory obligation to pay the compensation to the respondents. The provisions of Section 168 of Motor Vehicles Act have no bearing upon the facts of the case. In this view, the petition filed is devoid of merit and substance. Therefore, I am not inclined to entertain the petition.

4. Writ Petition stands dismissed.

[V.L.ACHLIYA, J.]