

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
PUBLIC INTEREST LITIGATION NO.128 OF 2004

Mr.Omkar Paranjape i/b Mr.Avinash Gokhale for the  
Petitioner  
Mr.Manish Pabale, AGP for the respondent No.1  
Mr.S.R.Nargolkar for respondent Nos.2 and 3.

P.C.:

2     Barring one or two directions, there appears to be a substantial compliance made by the State Government. One area where compliance was not made was regarding repeal of Rule 263 of the Maharashtra Motor Vehicles Rules, 1989 (for short 'Maharashtra Rules'). By a notification dated 6<sup>th</sup> September 2017 published in Government Gazette dated 7<sup>th</sup> September 2017, the Maharashtra Rules have been amended and the Rule 263 has been deleted. Therefore, now there is no requirement of payment of process fee for issuing notices by the Motor Accident Claims Tribunals. It will be appropriate if the Registry

invites attention of the Motor Accident Claims Tribunals in the State to the aforesaid fact.

3 Other area of non compliance was clause (vii) of paragraph 30 of the final Judgment which reads thus:

“(vii) It will be appropriate if the State Government amends the Maharashtra Rules to facilitate service of notice through Courier service as provided in sub-Rule (3) of Rule 9 of Order V of the Code of Civil Procedure, 1908”

4 Our attention is invited to the decision of Full Bench of this Court in the case of Mohd. Riyazur Rehman Siddiqui vs. Deputy Director of Health Services<sup>1</sup> as well as the decision of the Apex Court in the case of Mantoo Sarjar Vs. Oriental Insurance Company Limited and others<sup>2</sup>.

5 The view taken by the Full Bench is that the provisions of the Code of Civil Procedure, 1908 (for short 'the said Code') are applicable in all matters to the proceedings before the Motor Accident Claims Tribunal. In the case of Mantoo Sarkar (supra), the Apex Court was dealing with the nature of powers exercised by the Motor Accident Claims Tribunal. The Apex Court held that for all intents and purposes, the Motor Accident Claims Tribunal has trappings of a Civil Court. Thus, it follows that

---

1 2008(6) Mh.L.J. 941

2 (2009) 2 SCC 244

the facility of service of notice through courier in accordance with sub Rule 3 of Rule 9 of Order V of the said Code is available to the Motor Accident Claim Tribunals as the provisions of Order V of the said Code will squarely apply.

6 As far as the video conferencing facility is concerned, in respect of which direction (viii) has been issued under the final Judgment, we are informed that the facility of video conferencing was not provided to the Motor Accident Claims Tribunal in Mumbai. Today, the learned counsel representing the High Court Administration states that necessary arrangements have already been made to provide video conferencing facility in the Motor Accident Claims Tribunal in Mumbai. He states that necessary equipment will be provided by the E-Committee/Computer Committee of this Court.

7 We find that subject to what is observed above, substantial compliance has been made by the respondents with the directions issued in this PIL. Therefore, this petition need not be listed any further. However, if the parties need any clarification, they are free to move this Court by filing a civil application.

(R.D.DHANUKA,J.)

(A.S.OKA,J.)