

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

**905 CIVIL APPLICATION NO.5562 OF 2017
IN FAST/6227/2017**

PANDIT KUMAR RAJE
VERSUS
THE DIVISIONAL CONTROLLER, M.S.R.T.C. PUNE AND ORS

...
Advocate for Applicant : Shri Madhav M. Bhokarikar
Advocate for Respondent No.1 : Shri M.D.Shinde h/f.
Shri M.K. Goyanka

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

DATE: 15th February, 2019

PER COURT:-

1 Heard Shri M.M.Bhokarikar, learned Counsel appearing for the applicant. The learned Counsel submitted that the applicant has preferred the appeal seeking enhancement in the amount of compensation awarded by the Motor Accident Claims Tribunal, Jalgaon, in Motor Accident Claim Petition No.236 of 2009. The learned Counsel submits that the owner and insured of the offending Truck and the Maharashtra State Road Transport Corporation (M.S.R.T.C.) both are jointly and severally held liable to pay the amount of compensation. The learned Counsel submitted that in the circumstances, service to owner of the offending Truck be exempted.

2 I find substance in the submission so made by the learned

Counsel for the applicant. It does not appear to me that the service of summons on the owner of the offending Truck is mandatory when the M.S.R.T.C. jointly and severally held liable to pay the amount of compensation. In the circumstances, the service of summons to respondent No.2 i.e. owner of the offending Truck is exempted. Service complete.

3 For the reasons stated in the application, which according to me are just and sufficient, delay of 123 days caused in filing the appeal is condoned.

4 Appeal be registered in accordance with law.

5 Civil Application No.5562 of 2017 stands disposed of.

6 After registration of appeal, issue notice to the respondents, returnable on 29.03.2019.

7 Record and Proceedings be called.

(P.R.BORA)
JUDGE

SPT