

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

**WRIT PETITION NO.10912 OF 2019**

**SANJIWANI DEEPAK THORVE AND OTHERS  
VERSUS  
AMOL ANKUSH UTTEKAR AND OTHERS**

...  
Advocate for the Petitioners : Shri Avinash S. Deshpande

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**CORAM : RAVINDRA V. GHUGE, J.**

**DATED : 3<sup>rd</sup> SEPTEMBER, 2019.**

...

***PER COURT :***

1. The petitioner, claimants in MACP No. 164/2014, are aggrieved by the order dated 08/01/2019 passed by the Tribunal, by which, their application Exhibit 69 seeking addition of the owner, driver and Insurance Company of the car involved in that case, has been rejected.

2. I have considered the strenuous submissions of the learned Advocate for the claimants and have gone through the six grounds formulated in the memo of the petition.

3. The record indicates that the deceased was travelling by Alto Car bearing No. MH-20-BY-8964. A bus bearing No. MH-

12-EF-5004 dashed the vehicle from the rear side. It was not a head on collision. The police conducted an investigation and registered an FIR against the bus driver holding him responsible for reckless driving and causing an accident. The police authorities did not find that the car driver was at fault.

4. I find that the Trial Court was right in concluding that neither the car owner nor the driver of the car are said to be responsible for the accident. They are not necessary to be arrayed as defendants in the claim. I, therefore, do not find that the impugned order could be termed as being perverse or erroneous.

5. In view of the above, this petition, being devoid of merit is, therefore, dismissed.

**(RAVINDRA V. GHUGE, J.)**

shp/-