

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL WRIT PETITION NO.10841 OF 2016

Shivaji Dhondiba Narute

..Petitioner

V/s.

Mrs.Surekha Pradeep Shinde & Ors.

.. Respondents

Mr.Surel S. Shah for the Petitioner.

CORAM : A. S. GADKARI, J.

DATE : 19th AUGUST 2019

P.C.

1. By the present petition, the petitioner takes exception to the order dated 08th June 2016 passed below Exhibit 21 in MACP No.365 of 2015, rejecting the application preferred by the petitioner.

2. The record indicates that, the applicant was owner of Tata Indica Car which was being driven by Mr.Ganesh Survase. It is alleged that on the date of the incident the said car of petitioner gave dash to a motor-cycle, which was being driven by Mr.Sunil Wagh. The deceased Mr.Pradeep Shinde was travelling as a pillion rider on the said motorcycle.

The applicant preferred the afore-stated application below Exhibit-21 for impleading the owner of the said motorcycle

and its insurer as the necessary party to the claim preferred by the legal heirs of deceased Mr.Pradeep Shinde.

3. The record indicates and *prima-facie*, it appears that, it is the applicant's vehicle which had given dash to the motor-cycle of Mr.Pradeep Shinde in a rash and negligent manner. It further *prima-facie* appears that, the motorcycle rider namely Mr.Sunil Wagh was at no fault in causing the said incident and therefore, his impleadment in the said proceedings is not necessary.

4. A perusal of the impugned order dated 08th June 2016 clearly indicate that, the said order does not suffer from any error either in law or on facts and, interference in the same by this Court, is unwarranted.

I find no merits in the petition and it is accordingly rejected.

(A.S. GADKARI, J.)