

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

WRIT PETITION NO. 589 OF 2018

Mr. Devanand C.Pandit

...Petitioner.

vs.

Smt. Anita B. Gadekar and ors.

...Respondents.

Mr. Girish Togani for the Petitioner.

CORAM : C.V. BHADANG, J.

DATED : 9TH DECEMBER, 2019

PC:

1. Heard Mr. Girish Togani, the learned counsel for the petitioner. None appears for the respondents.

2. Challenge in this petition is to the order dated 27.7.2018 passed by the Member, Maharashtra Accident Claim Tribunal, Pune ("Tribunal" in short) dismissing the application Exhibit 18 purportedly filed under Order 1 Rule 10 for deleting the name of the petitioner (Opponent No.1) before the Tribunal and to add one Mr. Shahab M. Fakhri as party respondent. That order is passed in Claim Application No.1135 of 2011 which is filed by respondent Nos. 1 to 3 herein. It is undisputed that the petitioner is the registered owner of the offending vehicle as on the date of the accident i.e. 19.3.2011. According to the petitioner the vehicle was sold by him to Mr. Shahab M. Fakhri on 16.6.2009 and the possession of the vehicle was

delivered to the purchaser as per the delivery note which is at Page 32 of the compilation. It is in these circumstances that the petitioner sought his deletion and impleadment of Mr. Shahab M. Fakh as party respondent.

3. The Tribunal by the impugned order has found that, it is for the petitioner to establish the said fact during the course of trial and therefore, has rejected the application.

4. Mr. Togani, the learned counsel for the petitioner points out that the petitioner was not heard while passing the impugned order dated 27.7.2017 inasmuch as the respondent Nos. 1 to 3 had filed their reply on the same day. Mr. Togani, the learned counsel for the petitioner in all fairness submits that the petitioner is not pressing person for the relief of his deletion and he is only restricting the prayer for addition of Mr. Shahab M. Fakh as a party respondent.

5. I have considered the submissions made. It appears that there is no dispute that the petitioner was the registered owner of the vehicle as on the date of the accident and vehicle was not transferred in the name of Mr. Mr. Shahab M.Fakh as on the date of the accident. The petitioner is not pressing for the relief of his deletion. The Tribunal has also left the issue as to whether the petitioner was indeed sold the vehicle to Mr. Mr. Shahab M.Fakh and

whether the possession of the vehicle was delivered to him open for being gone into at the trial. In that view of the matter, no case for interference is made out in the impugned order. Petition is without any merit and is accordingly dismissed with no order as to costs.

(C.V. BHADANG, J.)