

BDP-SPS

Bharat
D. Pandit

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2345 OF 2019**

Bajaj Allianz General Insurance
Co. Ltd.

.... Petitioner.

V/s

Wahida Salim Manjothi
and Others

..... Respondents.

Mr. Devendranath S. Joshi for the Petitioner.

CORAM: NITIN W. SAMBRE, J.

DATE: 24th July, 2019

P.C.:-

1] Perused the order impugned. By an application Exhibit-49 in the proceedings for compensation before the Motor Accident Tribunal, MMRDA is sought to be impleaded as party at the behest of the Petitioner, which request was rejected on 27/8/2018. The contention is, it is a statutory duty of the MMRDA to maintain roads in appropriate condition can also be formed to be the basis for awarding compensation.

2] I am afraid that, aforesaid contention, if accepted, then the provisions of Motor Vehicles Act will have to be stretched to the

extent of holding local planning authorities responsible and liable for paying the compensation, which, in law, is not permissible and therefore such application, in my opinion, is wholly misconceived and displaced, as the Motor Vehicles Act does not contemplate any such scheme. That being so, Petition fails and the same stands dismissed. However, this will not preclude the Petitioner from establishing its claim against the MMRDA in appropriate proceedings.

(NITIN W. SAMBRE, J.)