



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

23 FIRST APPEAL NO. 979 OF 2015

NAMDEO SHIVRAM MAHAJAN
VERSUS
AMBADAS GHANSHYAM PAIKRAO AND ANOTHER

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Advocate for R/2 : Mr. Bodade S.R.

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CORAM : Y.G. KHOBRAGADE, J.
DATE : 15.04.2024

PC.:-

1. None appeared for the appellant. Heard the learned counsel appearing for the respondent no.2.
2. The present appeal under Section 173 of the Motor Vehicles Act is directed against the judgment and order dated 10.12.2014 passed by the learned Member, M.A.C.T., Basmath in MACP No.55/2009, whereby the petition of the appellant for compensation has been dismissed on the ground of rash and negligent driving by a driver of unknown vehicle the accident took place, wherein the petitioner/appellant received injuries. Further when the petition is based on the principle of "fault liability" therefore there is no fault on part of the driver of auto rickshaw no.MH-38-1041, hence no question arises for payment of compensation by the respondents jointly and severally to

the petitioner.

3. The present appeal is pending since 2015 and the appellant has not taken pain to argue the matter. Therefore, it appears that the appellant might have lost interest in the appeal, hence it is dismissed for want of prosecution.

[Y.G. KHOBRADE, J.]