



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

961 MISC.CIVIL APPLICATION NO. 132 OF 2019

SUGHANDHA BABASAHEB SHINDE AND OTHER

VERSUS

GANGARAM RANUJI SHINDE AND OTHER

...

Advocate for Applicant : Mr. Mahesh P. Kale

Advocate for Respondents No.1&2: Mr. B. S. Bhale

Advocate for Respondents No.3&5 : Mr. Gaurav L. Deshpande

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CORAM : ARUN R. PEDNEKER, J.

DATE : 22nd OCTOBER, 2024

PER COURT:

1. Heard.
2. The present application is filed by the wife and the minor children of the deceased seeking transfer of the motor accident claim petition filed by the parents of the deceased.
3. The learned counsel for the applicants submits that the applicant wife along with the minor children has filed M.A.C.P No.25 of 2015 before the learned Motor Accident Claims Tribunal, Gangakhed. The learned counsel submits that the parents of the deceased has also filed a separate petition bearing M.A.C.P No.595 of 2015 before the learned Motor Accident Claims Tribunal, Aurangabad and that their interest would also be taken care of in the said petition. As such, the

applicants seek transfer of the M.A.C.P. No.595 of 2015, filed by the parents of the deceased at Aurangabad.

4. The learned counsel for respondents no.3 and 5 has strongly opposed to the present application.

5. In view of the same and for the reasons stated in the application and, more particularly, that the widow and children, who are dependents; has filed the petition at their residence at Gangakhed, it is more appropriate that the petition filed by the parents of the deceased at Aurangabad shall stand transferred to the Gangakhed and both the petitions shall be decided together. In the event, the parents are unable to prosecute the claim petition before the Gangakhed court, the tribunal at Gangakhed would consider claim of the parents in the petition filed by the applicant wife by making them party in the petition filed by the applicants and the share, which is apportioned to the parents of the deceased be transmitted to the court at Aurangabad for dispersal to the parents of the deceased, on determination of the claim.

6. The present Miscellaneous Civil Application is allowed in terms of prayer clause "B", with above observations.

[ARUN R. PEDNEKER, J.]