

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****MISCELLANEOUS CIVIL APPLICATION NO. 148 OF 2024**

Sheetal Kunal Dabre @ Sheetal Maruti Karale ... Applicant

Versus

Chitra Gajanan Dabre ... Respondent

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Mr. Vaibhav R. Gaikwad a/w. Mr. Atharva R. B. and Mr. Yash M. Naik,
Advocate for the Applicant.

Smt. Kalpana Trivedi, Advocate for Respondent No. 4.

CORAM : ARUN R. PEDNEKER, J.

DATE : 29th JULY, 2024.

P.C. :

1. Heard learned counsel for the parties.
2. The present application is filed for transfer of Motor Accident Claims Petition filed by respondent Nos. 1 to 3 before the Motor Accident Claims Tribunal, Chandrapur, District to be tied with Motor Accident Claim Petition No. 297 of 2022 pending before the Motor Accident Claims Tribunal, Satara.
3. The brief facts giving rise to the present appeal are as under:
4. On 21.03.2022 the deceased was proceeding on scooty No. MH-34-T-1420 towards Ballarpur as a pillion rider, met with an accident by the truck bearing No. MH 34-AV-0994. The deceased died on the spot. Thereafter, the claim petition has been filed by the widow and two minor children before the M.A.C.T., District Satara against the owner of the truck. The

parents and the sister of the deceased have independently filed claim Petition No. 153 of 2022 before the M.A.C.T., Chandrapur. Learned counsel for the applicant submits that continuance of both the proceedings may give risk to conflicting orders, as such both the proceedings be tied together at M.A.C.T., Satara.

5. Respondent Nos. 1 to 3 though served had not entered their appearance. The widow and children now residing at Satara and the widow is working in Government office at Satara. Learned counsel submits that the Insurance Company so also the owner of the vehicle have already attending the proceedings at Satara. She submits that respondent Nos. 1 and 2 are also made party respondent in the claim petition at Satara, however, they failed to appear before the Satara Court.

6. Considering the facts situation, I deem it appropriate to transfer the proceedings initiated by respondent Nos. 1 to 3 i.e. M.A.C.P No. 297 of 2022 at Chandrapur and be tied along with Claim Petition No. 297 of 2022 with the M.A.C.P No. 153 of 2022 at Satara. Both the petitions be tied together.

7. However, it is directed that the Claim Petition No. 153 of 2022 should not be dismissed for non prosecution for non appearing of the claimants. After computing the compensation payable to the parties, the Tribunal at Satara to direct the insurance company to deposit the any

amount granted towards the claim of the respondent Nos. 1 to 3 in Petition No. 153 of 2022 to the M.A.C.P, Chandrapur to be disbursed to respondent No. 1 to 3.

8. The Miscellaneous Civil Application is allowed in terms of prayer clause (a) and disposed of with above observation.

“A) To transfer the proceeding bearing Motor Accident Claim Petition No- 153/2022 filed by the Respondent no. 1-3 before Ld. Motor Accident Claim Tribunal Chandrapur to Motor Accident Claim Tribunal Satara and to be tied with Motor Accident Claim Petition no. 297/2022 pending before Ld. Motor Accident Claim Tribunal Satara.”

(ARUN R. PEDNEKER, J.)

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