

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 607 OF 1999

Satish Sharad Barve		Appellant
Adult, Occupation : Agriculturist and Horticulturist,		(Original
Residing at P. O. Bordi, Taluka Dahanu,		Opponent
District Thane	...	No.1)
Versus		
Pradeep Raghunath Vichare		Respondent
Adult, Occupation : Not known		(Original
Residing at P. O. Golwad,		Applicant)
Taluka Dahanu, District Thane	...	

**WITH
FIRST APPEAL NO. 608 OF 1999**

Satish Sharad Barve		Appellant
Adult, Occupation : Agriculturist and Horticulturist,		(Original
Residing at P. O. Bordi, Taluka Dahanu,		Opponent
District Thane	...	No.1)
Versus		
Laxman Ramchandra Padalkar		Respondent
Adult, Occupation : Service		(Original
Residing at P. O. Golwad,		Applicant)
Taluka Dahanu, District Thane	...	

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Mr. Nitin P. Deshpande, Advocate for the Appellant.
None for Respondent.

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CORAM : SHIVKUMAR DIGE, J.
DATE : 16th JANUARY, 2024.

JUDGMENT :

1. Both these appeals are preferred against the Judgment and Order

passed by the Motor Accident Claims Tribunal, Thane (for short “**the Tribunal**”). The issues involved in these appeals are same, hence I am deciding it by this common judgment.

2. It is the contention of learned counsel for the appellant that offence occurred due to sole negligence of the rider of the motorcycle but this fact was not considered by the Tribunal. Learned counsel further submitted that the rider of motorcycle did not produce licence before the Tribunal, but this fact is not considered by the Tribunal and has wrongly fixed the liability on the owner of the trailer. Hence, requested to allow the appeal.

3. Though respondents / claimants are served in both the appeals they failed to appear before this Court. Both the appeals are of the year 1999 hence I am deciding it on merit.

4. I have heard learned counsel for the appellant. Perused the judgment and order passed by the Tribunal. It is claimant's case that when the claimants were riding on motorcycle at that time offending trailer gave dash to their motorcycle due to the said dash they got injured in the accident. The offence was registered against the driver of the trailer. The appellant is the owner of the said trailer. The appellant has not produced any evidence before the Tribunal to show that rider of the motorcycle was not holding effective and valid driving licence. As offence was registered against the driver of offending trailer and it appears from

the record that he is convicted for said offence, it proves that accident occurred due to negligence of the driver of offending trailer. The appeal is devoid of merit and I pass following order:

ORDER

- (i) Both the appeals are dismissed.
 - (ii) Respondents/claimants in both the appeals are permitted to deposit the amount along with accrued interest thereon.
5. Both the appeals are disposed of.

(SHIVKUMAR DIGE, J.)

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KILAJE

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