

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION**

FIRST APPEAL NO. 655 OF 2024

Shri. Shivaji Raghunath BhosaleAppellant
Versus
Smt. Suman Shashikant Patil & Ors.Respondents

Mr. Anand Patil for the Appellant

CORAM : M. M. SATHAYE, J.

DATED : 18 SEPTEMBER 2024

P.C.:

1. Heard learned Counsel for the Appellant.
2. This is an Appeal by the driver of the offending vehicle, challenging the joint and several liability fixed upon the Appellant alongwith the Respondent No. 5-Owner.
3. Learned Counsel for the Appellant invited the Court's attention to the order dated 7 August 2015 passed in S.C.C. No. 309 of 2014, under which the Trial has acquitted the Appellant from the offences punishable u/s. 279, 337, 338, 304-A of the Indian Penal Code and the offences punishable u/s. 184, 66(1)/192, 3(1)/181 and 146 of the Motor Vehicles Act, 1988 vide section 248(1) of the Code of Criminal Procedure, 1973. He points out that

it is held vide point no. 1 therein that the Appellant was not driving rashly and negligently. He further contends that this is a case where the left side tyre of the offending vehicle suddenly burst and the vehicle had turned turtle in which the deceased has suffered injuries and died.

4. Issue notice of final disposal to the Respondents, returnable on **16 October 2024**. Hamdast permitted.

(M. M. SATHAYE, J.)