

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

**FIRST APPEAL NO.743 OF 2024
WITH
INTERIM APPLICATION NO.11140 OF 2024
WITH
INTERIM APPLICATION NO.8699 OF 2024
WITH
CROSS OBJECTION STAMP NO.4243 OF 2024
IN
FIRST APPEAL NO.743 OF 2024**

Kaluram B. Gore (Since deceased :
Through Legal Heirs)
Manisha Kaluram Gore and Ors.

...Appellants/Applicants

vs.

Sanjay Baban Misal and Anr.

...Respondents

Mr.Sumant Rajaram Deshpande a/w Mr.Sakharam Kadam:-	Advocates for Applicants/ Appellants.
Mr.Yogesh Pande a/w Ms.Pooja Pall:-	Advocates for Respondent No.1.

CORAM : S. M. MODAK, J.

DATE : 27th AUGUST 2024

P. C. :-

1. Heard learned Advocate for the Appellants / Applicants, new

purchaser of the offending vehicle and learned Advocate for the Claimants.

2. The Claims Tribunal – Pune has held the new purchaser as liable to pay compensation and exonerated the registered owner. It is true that even though the new purchaser has appeared before the Claims Tribunal, he has not further participated.

3. Learned Advocate for the Appellants made a basic submission that on the basis of judgments delivered by the Hon'ble Supreme Court, only a registered owner is responsible. Let him file compilation of those judgments by giving copy to other side.

4. The present Respondent No.2 is the registered owner. Notice is issued but there is no service report. Let the Appellants to serve him by private notice. Affidavit of service be filed. Once, service report will be there, the Application for substitute service (Interim Application No.1140 of 2024) will be considered.

5. There is an Execution proceeding filed before the Claims Tribunal. The present Appellant is still the Judgment-Debtor. Stay is asked. According to Mr.Pande, stay cannot be granted unless the amount is deposited. He also wants to rely upon few of the judgments

wherein the Courts have decided this issue.

6. It is true that the principal contention raised in this Appeal is also raised while directing for stay. At this stage, Court is not supposed to decide this principal contention finally. But, *prima facie* view has to be taken.

7. There is also a Cross Objection filed by the Claimants for enhancement.

8. Let us wait for service report on Respondent No.2. Even, both of the parties can request the Court for final disposal at an admission stage. At that time, the Claimants are at liberty to press for Cross Objection.

9. Stand over to **24th September 2024**. To be listed “**High on Board**”.

[S. M. MODAK, J.]