

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

**FIRST APPEAL (STAMP) NO. 22354 OF 2024
WITH
INTERIM APPLICATION NO. 12204 OF 2024
WITH
INTERIM APPLICATION NO. 12205 OF 2024**

Shashikant Balasaheb Chavan

... Appellant

vs.

Satish Bapurao Bhujbal and Ors.

... Respondents

Mr. S. R. Ronghe :-	Advocate for Appellant.
No one is present :-	On behalf of Respondents.

CORAM : S. M. MODAK, J.

DATE : 6th SEPTEMBER 2024

P. C. :-

1. Heard learned Advocate for Applicant / Respondent No. 3 as per Claim Petition. The accident occurred due to dash of truck. Though Respondent No. 2 - Firm is a registered owner, the liability is casted on this Applicant. But unfortunately even though both were served, they have not contested the proceeding before Motor Accident Claims

Tribunal [Tribunal]. The Tribunal after hearing Claimants has held both of them liable jointly and severally. There is delay in preferring Appeal.

2. Learned Advocate Mr. Ronghe make submission on legal aspects. It is about liability of the registered owner only as per Section 2(30) of the Motor Vehicles Act, 1988. He relied upon following judgments :-

- (i) **Navin Kumar vs. Vijay Kumar and Ors.**¹
- (ii) **Prakash Chand Daga vs. Saveta Sharma and Ors.**²
- (iii) **Surendra Kumar Bhilawe vs. New India Assurance Co. Ltd.**³
- (iv) **Vaibhav Jain vs. Hindustan Motors Pvt. Ltd.**⁴

3. Those observations support his submission. It certainly can be considered at an appropriate stage. The fact remains, he has not appeared before the Tribunal.

4. Issue Notice of delay condonation application, First Appeal as well as stay application returnable on **14th November 2024**.

[S. M. MODAK, J.]

1 AIR 2018 SC 983
 2 AIR 2019 SC 66
 3 AIR 2020 SC 3149
 4 2024 SCC OnLine 2337