



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 2192 of 2023

[Kailash Mahadeo Sarve and anr. ..vs.. Kalpesh Wamanrao Sakure and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. B. M. Kharkate, Advocate for petitioners
Mr. R. D. Bhuibhar with Mr. Nishat Patil, Advocates for respondent no. 3

CORAM : ANIL L. PANSARE J.

DATED : 18-12-2024

Heard.

2. The challenge is to the award dated 7-5-2022 passed by the National Lok Adalat held at Bhandara on 7-5-2022. The claim arising out of motor accident has been settled before the Lok Adalat.

3. The grievance is that the petitioners, the parents of deceased, who were respondent nos. 4 and 5 in the claim petition, were neither noticed nor were made party to the settlement. Thus, it is argued that this settlement has been arrived at by playing fraud upon the Lok Adalat.

4. Learned counsel for respondent no. 3 – insurance company submits that inadvertently, the officer of the insurance company, who appeared before the Lok Adalat failed to realize that respondent nos. 4 and 5 were also entitled for the claim. He submits that since they were arrayed as respondents, the officer appears to have not taken their cognizance.

5. None appeared for the respondents, who were widow and daughter of the deceased and also the driver and owner of offending vehicle.

6. Put altogether, it appears that the Members of the Lok Adalat panel were misled by the parties, particularly, the claimants before the Motor Accident Claim Tribunal. The parents of the deceased were ignored.

7. The award impugned is, therefore, obtained by committing fraud and is unsustainable. Accordingly, the award dated 7-5-2022 passed by the National Lok Adalat and consequently, the order passed below Exhibit 1 in M.A.C.P. No. 14/2021 is quashed and set aside. M.A.C.P. No. 14/2021 is restored on the file of Motor Accident Claims Tribunal, Bhandara.

8. The petitioners and respondent no. 3 shall appear before the Motor Accident Claims Tribunal, Bhandara on 9-1-2025. The Tribunal shall issue notice to the other parties and proceed to decide the claim in accordance with law.

9. Learned counsel for respondent no. 3 submits that pursuant to award passed by the Lok Adalat, the insurance company has paid Rs. 4.10 Lakhs to claimant no. 1, namely, Ashwini Shashikant Sarve and remaining amount has been deposited with the Tribunal. If that be so, the Tribunal shall take appropriate corrective measures in this regard and pass appropriate order either pending claim petition or upon adjudication of claim.

(Anil L. Pansare, J.)