



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**FIRST APPEAL NO. 4452 OF 2016
WITH
CIVIL APPLICATION NO. 12010 OF 2016
IN FA/4452/2016**

Kirti Constructions
Through its Proprietor.

... Appellant

Versus

1. Ashok S/o. Nagorao Lamture,
2. The New India Assurance Co. Ltd.
3. Bhagwan S/o. Rohidas Khalse

... Respondents.

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Mr. Jayant R. Patil, Advocate for Appellant.
Mr. N. D. Kendre, Advocate for Respondent No.1.
Mr. Sudhir V. Kulkarni, Advocate for Respondent No.2.

.....

WITH

FIRST APPEAL NO. 36 OF 2017

Kirti Constructions,
Through its Proprietor

... Appellant

Versus

1. Venkatesh S/o. Irappa Surwase,
2. Bhagwan S/o. Rohidas Khalse [Died],
3. The New India Assurance Co. Ltd.

... Respondents

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Mr. Jayant R. Patil, Advocate for Appellant.
Mr. Shrikant B. Madde, Advocate for Respondent No.1.
Mr. P. R. Parwat h/f. Mr. M.M. Ambhore, Advocate for Respondent No.3

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 19 NOVEMBER 2025

PER COURT :

1. Learned counsel for appellant pointed out that, in trial court, in both matters, which are injury claims, have not impleaded insurance company as a party and only owner and driver are made party. Subsequently, notice is alleged to have been served through paper publication, of which appellant had no knowledge. Therefore, on above count, learned counsel for appellant urges to remand the matters back to the learned tribunal, where the above shortfalls would be made up regarding adding insurance company as a party and permitting both the parties to adduce evidence, respectively.

2. Learned counsel for respondents have no objection.

3. In view of above, the impugned judgment and award dated 16.12.2015, passed by learned District Judge-1 and Member of M.A.C.T., Ahmedpur in M.A.C.P. No.39 of 2011 and impugned judgment and award dated 13.10.2016 passed by District Judge-1 and Member of M.A.C.T., Ahmedpur in M.A.C.P. No.40 of 2011, are accordingly quashed and set aside.

4. Both Matters are remanded back to the file of learned Motor Accident Claims Tribunal, Ahmedpur for fresh consideration.

5. Learned Motor Accident Claims Tribunal, Ahmednagar is directed to expedite the trial of both cases and to make an endeavor to conclude the same within a period of three months from the date of receipt of the present order.

6. The amount deposited by the appellant be transferred to the learned tribunal.

7. Record and Proceedings be sent back forthwith.

8. Both First Appeals are disposed off in above terms.

9. In view of disposal of First Appeals, pending civil application is disposed off accordingly.

(ABHAY S. WAGHWASE, J.)