



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**WRIT PETITION NO. 3085 OF 2019**

Vitthal Nivrutti Jadhav

.. Petitioner

**Versus**

Haider Hanif Shaikh And Others

.. Respondents

Mr. V. P. Savant, Advocate for the Petitioner.

Mr. U. S. Usmanpurkar, Advocate for Respondent No. 4.

**CORAM : KISHORE C. SANT, J.**

**DATE : 21<sup>st</sup> NOVEMBER, 2025.**

**PER COURT :-**

1. Heard learned advocates for the parties.
2. This petition is filed challenging rejection of application below Exh. 24 filed by the present petitioner/original claimant in M.A.C.P. No. 51/2014. It is the case of the petitioner that, when he filed claim petition, he was not aware that the tractor involved in the accident is insured with the insurance company. Therefore, the insurance company was not added as a party when the claim petition was filed. The respondent No. 2/owner of the tractor lateron filed writ statement in which he came with a case that, his trolley involved in the accident bearing No. MH-24/E-1483 belongs to opponent No. 3. It is further stated that, the said

trolley is insured with the present respondent No. 4/insurance company. This written statement was filed on 26.05.2015. The petitioner thereafter filed an application for impleadment of the insurance company in the claim petition. The said application came to be rejected. The petitioner is thus before this Court.

3. The learned advocate Mr. Savant for the petitioner vehemently argued that, the opponent No. 2 has clearly stated that the trolley was belonging to opponent No. 3/respondent No. 3 is insured with respondent No. 4. Till that time there was no knowledge about the details of the insurance company. After coming to know that the vehicle involved is insured, the claimant rightly filed an application. The learned Trial Judge has wrongly rejected the application. He prays for allowing the writ petition.

4. The learned advocate Mr. Usmanpurkar for respondent No. 4 vehemently opposes the application. He submits that, the tractor and the trolley insured with the insurance company is different tractor and not the one involved in the accident. The learned Trial Judge has, therefore, rightly considered the application and rejected the same. No interference is required. The learned trial Judge observed in the order that, the tractor

involved alongwith trolley was bearing No. MH-24-L-6927. The said tractor is not insured with the insurance company. Another tractor bearing No. MH-24-D-1477 is insured with the insurance company, however, the same is not involved in the accident and rejected the application.

5. This Court has considered the submissions and has gone through the order. This Court finds substance in the argument of learned advocate Mr. Usmanpurkar for respondent No. 4 that the vehicle which is shown to be insured is not involved in the accident. The vehicle involved in the accident is not insured with the respondent No. 4. This Court does not find any connection between the vehicle involved in the accident and the vehicle insured by respondent No. 4. No perversity is noticed in the order. No case is made out calling for interference at the hands of this Court under Article 227 of the Constitution of India. Therefore, the writ petition deserves to be dismissed.

6. The writ petition stands dismissed. No order as to costs.

**( KISHORE C. SANT, J. )**

PS.B.