



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

21 FIRST APPEAL NO. 365 OF 2025

SUMIT BAPUSAHEB KULKARNI (RENAPURKAR)

VERSUS

JAYSHRI WD/O GANESH @ KHANDU GADE AND ORS

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Adv. for Appellant / Applicant : Ms. Prajakta P. Deshmukh, h/f Mr. Milind Madhukar Patil.

...

WITH

CIVIL APPLICATION NO. 6880 OF 2022

IN FA/365/2025

...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 01st December, 2025.

P.C.:

CIVIL APPLICATION NO. 6880 OF 2022

1 Heard the learned counsel for the applicant. Perused the application.

2 This is an application seeking stay to the execution of the impugned judgment and award.

3 The learned counsel for the applicant / appellant submits that the appeal has been preferred by the driver. It is pointed out that at the time of occurrence of the accident, respondent No.2 was driving the offending vehicle. It is established that the driver cannot be held liable

for tortious act, and therefore, the impugned judgment and award cannot be executed against the driver of the offending vehicle. Therefore, the application for stay deserves to be allowed. The application is allowed in terms of prayer clause (A). The application stands disposed of.

Appeal:

- 4 Call for record and proceedings.
- 5 Stand over to 5th January, 2026.

[SANJAY A. DESHMUKH, J.]

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