

Harish

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.2538 OF 2007**

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Date:
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Shahaji Ramchandra Jadhav

Age : -, Occupation : Jeep Owner

R/at : Alsand Ta.. Khanapur

District : Sangli.

.....Appellant

Versus

1. Kumar Dnyandev Sangar

Age : 31 years,

R/at : Palus Tal. Tasgaon

District : Sangli

2. Gous Nijam Patel,

Age : Adult, Occupation : Jeep Driver

R/at: Alsand, Tal. Khanapur

District : Sangli

3. United India Insurance Co. Ltd.,

Branch- Sangli District : Sangli

.....Respondents

Adv. Abhishek Ingale i/b Umesh Mankapure for the Appellant.

Adv. Ishaan Kapse for Respondent No. 2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 22nd AUGUST 2025.

JUDGMENT :-

1. This Appeal is preferred by the Appellant-owner of offending vehicle against the judgment and order passed by the

Motor Accident Claims Tribunal, Sangli, (for short “the Tribunal”).

2. It is the contention of the learned counsel for the Appellant that the claimant has not made the driver and owner of the offending vehicle as necessary party. Learned counsel further submits that accident occurred due to negligence of the driver of the offending vehicle. But these facts are not considered by the Tribunal. Hence, requested to allow the Appeal.

3. Learned counsel for Respondent No. 2 submits that appropriate order be passed.

4. Though Respondent Nos. 1 and 3 are served, none present for Respondent Nos. 1 and 3. The Appeal is of year 2007 hence, I am deciding this Appeal on merit.

5. I have heard both the learned counsel, perused the judgment and order passed by the Tribunal.

6. The issue involved in this Appeal is that the claimant has not made the driver and owner of the offending vehicle as necessary party. In my view this issue is no more res-integra. It is the choice of the claimant to claim the compensation from

any of the tortfeasor. Hence, I do not find merit in the contention of learned counsel for the Appellant that the driver and owner of the offending vehicle has not made as a necessary party. It is the contention of the learned counsel for the Appellant that due to sole negligence of the driver of offending vehicle, the accident occurred, but no evidence is produced on record by the Appellant to prove that the accident occurred due to negligence of the driver of offending vehicle. The Tribunal has passed well-reasoned order, no interference is required in it.

7. In view of the above, I pass the following order :

ORDER

- i. The appeal is dismissed. No order as to cost.
- ii. The Respondent No. 1-claimant is permitted to withdraw the deposited amount with interest.
- iii. The statutory amount along with accrued interest be transmitted to the Tribunal. The parties are at liberty to withdraw it as per Rules.
- iv. Record and proceeding be sent back to the Tribunal.

8. All pending applications, if any, stand disposed of.

[SHIVKUMAR DIGE, J.]