

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 169 OF 2024

ANAND
SUDHAKAR
SUDAME

Reliance General Insurance Co. Ltd.

..Appellant

Versus

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by ANAND
SUDHAKAR
SUDAME

Date: 2025.09.22
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Kishor Ashok Pandilwar & anr.

..Respondents

Mr. Akshay Kulkarni, Advocate, for the Appellant

Mr. Jitendra Gor a/w. Ms. Yashika Jain, Advocates, for the
Respondents

CORAM : S. M. MODAK, J.

DATE : 18.09.2025

P. C.

1. Heard Mr. Kulkarni, learned Counsel for the Appellant and
Mr. Gor, learned Counsel for the Respondents.

2. Two vehicles were involved in the accident. In one car, the
Claimant along with his deceased wife were traveling which was
driven by a driver whereas in another car, which was driven by
another driver and he is made an Accused in the FIR. This Appeal
was filed by the husband of the deceased against the owner and an
Insurance Company of the car in which he along with the deceased
were traveling.

3. Admittedly, the owner and Insurance Company of the car whose driver is made an Accused were not made party before the Tribunal. The Claimant contends that his wife was a passenger and it is the case of composite negligence. He relied on the observations made in the case of *Khenyei v. New India Assurance Co. Ltd.*, reported in *2015 ACJ 1441*.

4. Mr. Kulkarni, learned Counsel for the Insurance Company attempted to examine driver of the offending vehicle and there is lacuna in the Petition so to say for non-joinder of the owner and insurance company of the offending vehicle.

5. Stand over to **24.09.2025** under the caption “*Part-heard*”.

(S. M. MODAK, J.)