



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO.485 OF 2024**

Simran Ravindra Oza ... Applicant
versus
Shivkumar Ramnarayan Saraswat and Anr. ... Respondents
WITH
MISC. CIVIL APPLICATION (ST) NO.27224 OF 2024

Vandana Ravindra Oza ... Applicant
versus
Shivkumar Ramnarayan Saraswat and Anr. ... Respondents

Mr. Manoj M. Badgujar, for Applicants.

CORAM: N.J.JAMADAR, J.

DATE : 2 MAY 2025

P.C.

1. Heard the learned Counsel for the Applicant.
2. None appears for Respondent No.2.
3. On 28 February 2025, Ms. Yogita Deshmukh had appeared for the Respondents in both the applications and had sought time to take instructions.
4. These applications are filed for transfer of Motor Accident Claim Petition Nos.480 of 2015 and 479 of 2015 from the MACT, Pune to MACT, Kalyan.
5. On 1 April 2015, the applicants met with an accident while they were travelling in their car bearing No.MH-05/BL-4994 on Pune – Mumbai Expressway at Village Adhe, Tal. Maval. The applicants are the permanent

residents of Kalyan. The applicants were then advised to file claim Petitions before the MACT, Pune.

6. In the said accident, the applicants have suffered severe grievous injuries. It is extremely inconvenient for the applicants to travel to Pune and effectively prosecute the Petitions. In fact, in view of the provisions contained in Section 166(2) of the Motor Vehicle Act, 1988, the applicants could have filed claim petitions before the Tribunal at Kalyan. Hence, these applications.

7. The averments in the applications have remained uncontroverted. The Tribunal at Kalyan has the jurisdiction to entertain, try and decide the Petition as the applicants are residing within the local limits of the jurisdiction of Tribunal at Kalyan. The applicants who have been grievously injured in the said accident would find it extremely inconvenient and onerous to prosecute the Petitions before the Tribunal at Pune. The Respondents would not suffer any inconvenience if the proceedings are transferred to Kalyan.

8. Hence, having regard to the averments in the applications and the fact that the Petitions could have been filed at Kalyan itself, I am inclined to allow the applications.

9. Hence, the following order :

ORDER

- (i) The Applications stand allowed.

(ii) Motor Accident Claim Petition Nos.480 and 479 of 2014 stand transferred from Motor Accident Claim Tribunal at Pune to Motor Accident Claim Tribunal at Kalyan, Dist. Thane, for hearing and disposal in accordance with law.

(iii) The learned Member, MACT, Pune shall transfer the record and proceedings in Claim Petition Nos.480 and 479 of 2015 with such dispatch that it reaches the Family Court at Kolhapur, within a period of four weeks from the date of communication of this order.

(iv) No costs.

(N.J.JAMADAR, J.)