



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.4950 OF 2025

VIJAY RAMPRASAD YADAV
VERSUS
MANOJ RAMESHWAR RAM AND ANOTHER

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S.I. Khan and Ms. Asmina Saijuddin, Advocate for Petitioner.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 26th November 2025

PER COURT :-

1. Heard learned Advocate for the petitioner. Nobody appears for the respondents although served.

2. Learned Advocate for the petitioner points out that, in accordance with the order dated 14.11.2025, a copy of the petition was also served upon the Advocate, who is appearing for the respondents/claimants in the claim petition and despite service, nobody has appeared today. Hence, the matter is taken up for final disposal.

3. By this petition, the petitioner has challenged the order dated 14.01.2025, passed by the Member, Motor Accident Claims

Tribunal-3, Nagpur, in Claim Petition No.174 of 2015, granting compensation under 'No Fault Liability' to the respondents/claimants, with a direction to the petitioner to pay the amount along with interest @ 7.5% per annum.

4. Learned Advocate for the petitioner submits that the petitioner is the driver of vehicle, which is allegedly involved in the accident. It is pointed out that the claim petition is filed only against the driver, without joining the owner of the vehicle or insurance company of the vehicle. It is submitted that the vehicle is in the name of Director General of Police, Chattisgarh Raipur. It is submitted that the impugned order fastening liability only against the petitioner, who is driver, is unsustainable, in view of the provisions of Rule 260(3) of the Maharashtra Motor Vehicle Rules, 1989 (for short, "the Rules"). Learned Advocate, in support of his submissions, has also placed reliance on the judgment of the Principal Seat of this Court in the case of ***Rama S/o. Kondiba Khade Vs. Sk. Sakir S/o. Sk. Kachru and Another, [2004(1) Mh.L.J. 971]***, in which it is held that as per Sub-rule (3) of Rule 260 of the Rules, it is made clear that the Tribunal shall give notice in respect of the claim or compensation under Section 140, to the owner and insurer. This sub-rule does not speak for giving notice to the driver. Further it is held that the driver

cannot be held liable for payment of the compensation along with the owner and the Insurance Company.

5. Having regard to the provisions of Rule 260(3) of the Maharashtra Motor Vehicle Rules, 1989 and the position of law clarified by the judgment in **Rama S/o. Kondiba Khade (Supra)**, the impugned order fastening the liability upon the petitioner, who is driver, is unsustainable. Therefore, the impugned order deserves to be quashed and set-aside.

6. Hence, the writ petition is allowed. The impugned order dated 14.01.2025, passed by the Member, Motor Accident Claims Tribunal-3, Nagpur, in Claim Petition No.174 of 2015, is quashed and set-aside.

7. In view of the above, the writ petition is disposed of.

(PRAFULLA S. KHUBALKAR, J.)

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