IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 341 OF 2025

1. CHANDRAKALA ARVIND PATANGE,
Age: 51 Years, Occu.: Household,

2. MANISHA ARVIND PHATANGE,
Age: 30 Years, Occu.: Education

3. AKSHAY ARVIND PATANGE,
Age: 28 Years, Occu.: Agri.,

4. ABHIJIT ARVIND PATANGE,
Age: 24 Years, Occu.: Education

All R/o. Balapur, Tq. Kalamnuri,
District: Hingoli .. Appellants
(Orig. Claimants)

Versus

1. THE ORIENTAL INSURANCE CO. LTD.,
Br. Micro Office Hingoli

2. SANDEEP DADARAO PATANGE,
Age: 51 Years, Occu. Agri. & Business,
Owner of offending Vehicle MH-38-M-1879

R/o. Gholda, Tq. Kalamnuri, Dist. Hingoli .. Respondents

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Advocate for Appellants : Mr. Taher Ali Quadri
Advocate for Respondent No.1 : Mr. Aniruddha S. Usmanpurkar

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CORAM : SACHIN S. DESHMUKH, J.

Date : 05.10.2026

PER COURT :-

1. Heard Mr. Taher Ali Quadri, learned counsel for the Appellants and Mr. A. S. Usmanpurkar, learned counsel for Respondent No.1.

2. The appellants assail order dated 01.08.2023, rendered by the Member, Motor Accident Claims Tribunal / Extra Joint District Judge, Parbhani in Motor Accident Claim Petition No.312 of 2018, dismissing the claim Petition of the Appellants.

3. The appellants are the claimants in M.A.C.P. No.312 of 2018. Respondent No.1 is the Insurance Company of the motorcycle, which is owned by Respondent No.2.

4. The deceased, Arvind was a differently abled person. As such, used a specially modified vehicle that was customized to suit physical convenience for travel.

On 30-09-2017, the deceased was travelling through modified vehicle towards Nanded. During the journey, when the deceased reached near Kurtadi Phata on the Hingoli-Nanded road, stopped vehicle on the roadside to relieve himself. As he was proceeding to use the urinal, a motorcycle bearing registration number MH-38-M-1879 arrived from the direction of

Belapur. The motorcycle was being driven at a high speed in a rash and negligent manner, causing it to dash the deceased and resulted in the accident.

5. Learned counsel for the Appellants submitted that the claimants participated in the proceedings. In the process of examination, a purshis was filed on their behalf by the lawyer representing the claimants at Exhibit-15 about having no instructions.

6. In that view of the above, the tribunal proceeded and passed the order, which is contrary to the very object of the beneficial piece of legislation would be frustrated. As such, prayed to allow the appeal and remit the proceeding to the concerned tribunal to decide the same on merits in accordance with law.

7. Per contra, learned counsel for Respondent No.1 – Insurance Company has supported the order under challenge submitting that after presenting the claim petition, it was kept pending for prolonged period. As such, the tribunal is justified in dismissing the claim petition and the same does not warrant interference.

8. Upon hearing learned counsel for the respective sides and perusal of the material on record, it is evident that after presentation of the claim petition, necessary record including copies of FIR, Spot Panchanama, Inquest Panchanama, Postmortem Notes, MLC, receipt of Postmortem, RC Book of offending motorcycle and Insurance Policy of the offending motorcycle were placed before the tribunal. However, a purshis of "no instructions" was presented by the lawyer representing the claimants leading the tribunal hold that the claimants have failed to prove the alleged accident.

9. In absence of the adequate opportunity to establish the claim on the basis of the material available on record, it would be appropriate to quash and set aside the order under challenge and remit the proceeding to the concerned tribunal. Hence, the following order:

ORDER	
(I)	The First Appeal stands partly allowed.
(II)	The Judgment and Order dated 01.08.2023, rendered by the Member, Motor Accident Claims Tribunal / Extra Joint District Judge,

	Parbhani, in Motor Accident Claim Petition No.312 of 2018, is quashed and set aside.
(III)	The matter is remanded back to the concerned tribunal to decide it afresh.
(IV)	The concerned tribunal shall proceed in accordance with law and after considering the material on record on it's own merits and conclude the proceeding within a period of six (06) months from today.
(V)	The parties shall appear before the tribunal, on 19.10.2026.
(VI)	All contentions are kept open between the litigating sides.

(SACHIN S. DESHMUKH, J.)

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