IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1414 OF 2002
WITH
CIVIL APPLICATION IN FA NO. 3377 OF 2002

Mahadeo Balku Bhosale]
(Jeep Owner), Residing at]
Khambale (Aundha), Post Nerli,]
Taluka Khanapur, District Sangli.] **... Appellant**

Versus

1. Mr. Damodar Nair]
   Age 54 Years, Occupation Agriculturist,]
   R/o. Pallom Omalloor, Kerala.]
2. Mrs. Omana Amma Damodar Nair]
   Age 47 Years, Occupation Household work,]
   R/o. Pallom Omalloor, Kerala.]
3. Shri Prakash Parasharam Kshirsagar]
   Aged about 25 Years, Occupation Driver,]
   R/o. Nerli, Taluka Khanapur,]
   District Sangli (Driver of the Jeep)]
4. Shri Madhukar Baburao Shinde]
   Age 35 Years, Occupation Service,]
   C/o. Jat S.T. Depot, Jat, Tal. Jat,]
   District Sangli (Driver of the S.T. bus).]
5. Maharashtra State Road Transport Corporation,]
   Bombay.]
   Summons may be served upon the Divisional]
   Controller, Maharashtra State Road Transport]
   Corporation, Sangli 416 416.]
6. United India Insurance Co. Ltd.,]
   Branch Sangli.] **... Respondents**

WITH
FIRST APPEAL NO. 1419 OF 2002

Mahadeo Balaku Bhosale]
Age Major, (Jeep Owner),]
Residing at Khambale (Aundha), Post Nerli,]
Taluka Khanapur, District Sangli.] ... Appellant

Versus

1. Thomas Erappukuzhy]
Age 50 Years,]
R/o. Vaipur, Mallappay Taluk,]
Dist. Pathanamthitta, Kerala.
2. Mrs. Aleyamma Thomas]
Age 45 Years, Occupation Household work,]
R/o. Vaipur, Mallappay Taluk,]
Dist. Pathanamthitta, Kerala.
3. Shri Prakash Parasharam Kshirsagar]
Aged about 25 Years, Occupation Driver,]
R/o. Nerli, Taluka Khanapur,]
District Sangli (Driver of the Jeep)]
4. Shri Madhukar Baburao Shinde]
Age 34 Years, Occupation Service,]
C/o. Jath S.T. Depot, Jat, Tal. Jat,]
District Sangli (Driver of the S.T. bus).]
5. Maharashtra State Road Transport Corporation,]
Bombay.]
Summons may be served upon the Divisional]
Controller, Maharashtra State Road Trnas.]
Corporation, Sangli 416416.]
6. United India Insurance Co. Ltd.,]
Branch Sangli.] ... Respondents

Dr. Uday P. Warunjikar for the Appellant.
Ms. Varsha Chavan for the Respondent No.6-Insurance Company.

Coram : ASHWIN D. BHOBE, J.

Date : 9th October 2026.

ORAL ORDER :

1. Heard Dr. Uday P. Warunjikar, learned Advocate for the Appellant and Ms. Varsha Chavan, learned Advocate for the Respondent No.6–Insurance Company.

2. Dr. Uday P. Warunjikar, learned Advocate for the Appellant and Ms. Varsha Chavan, learned Advocate for the Respondent No. 6–Insurance Company, jointly submit that as the subject matter of both these Appeals is common, they may be taken up and disposed of together by a common order. At their request, both these Appeals are taken up together for disposal by a common order.

3. First Appeal No. 1414 of 2002 assails the Judgment and Award dated 3rd July 2001, passed by the Motor Accident Claims Tribunal, Sangli, in Motor Accident Claim Petition No. 189 of 1992.

4. First Appeal No. 1419 of 2002 challenges the Judgment and Award dated 3rd July 2001 passed by the Motor Accident Claims Tribunal, Sangli, in Motor Accident Claim Petition No. 200 of 1992.

5. Ms. Varsha Chavan, learned Advocate for Respondent No. 6–Insurance

Company in both these Appeals, has tendered photostat copies of the Judgment dated 26th May 2017 passed by this Court in First Appeal Nos. 143 of 2003 and 144 of 2003, pertaining to Motor Accident Claim Petition Nos. 189 of 1992 and 200 of 1992, respectively. The said Judgments are taken on record and marked with "**X**" for identification. Relying on the said judgments dated 26th May 2017 ("X"), Ms. Varsha Chavan, learned Advocate for Respondent No. 6–Insurance Company, submits that the subject matter of the present Appeals has already been considered, dealt with and decided by this Court and therefore nothing further survives in these Appeals. She submits that these Appeals be dismissed.

6. Ms. Varsha Chavan, learned Advocate for the Respondent No. 6–Insurance Company, submits that the Appellants in the present Appeals were parties to First Appeal Nos. 143 of 2003 and 144 of 2003 as Respondents and were duly served, as per this Court's record. She further submits that Respondent No. 6–Insurance Company has not, to date, received any notice indicating that the Judgment dated 26th May 2017 ("X") has been challenged before the Hon'ble Supreme Court.

7. Dr. Uday P. Warunjikar, learned Advocate for the Appellant, does not dispute the fact that the Appellants herein were parties to First Appeal Nos. 143 of 2003 and 144 of 2003 as Respondents. However, on instructions, he

submits that the Appellants were not heard in those Appeals. He therefore reserves his rights to take appropriate steps in that regard.

8. Dr. Uday P. Warunjikar, learned Advocate for the Appellant, does not dispute that the subject matter of these Appeals has been considered and dealt with by this Court in First Appeal Nos. 143 of 2003 and 144 of 2003.

9. In view of the Judgment dated 26th May 2017 passed by this Court in First Appeal Nos. 143 of 2003 and 144 of 2003, nothing further survives in the present Appeals. Accordingly, First Appeal No.1414 of 2002 and First Appeal No.1419 of 2002 are dismissed. No orders as to costs.

10. In view of the disposal of First Appeal No. 1414 of 2002, Civil Application No. 3377 of 2002 pending therein does not survive and is accordingly disposed of.

11. The award shall be drawn accordingly.

[ASHWIN D. BHOBE, J.]

OMKAR SHIVAHAR KUMBHAKARN
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