IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6326 OF 2026

The Divisional Manager, The Oriental Insurance Co. Ltd. ... Petitioner
versus
Sanjay Shantaram Kadam and Anr. … Respondents

WITH
WRIT PETITION NO.6367 OF 2026

The Divisional Manager, The Oriental Insurance Co. Ltd. ... Petitioner
versus
Pramod Shantaram Adurkar and Ors. … Respondents

WITH
WRIT PETITION NO.6360 OF 2026

The Divisional Manager, The Oriental Insurance Co. Ltd. ... Petitioner
versus
Ravindra Bal Angare and Anr. … Respondents

WITH
WRIT PETITION NO.6843 OF 2026

The Divisional Manager, The Oriental Insurance Co. Ltd. ... Petitioner
versus
Pramod Shantaram Adurkar and Ors. … Respondents

Mr. Rushabh S. Vidyarthi with Ms. Saumen S. Vidyarthi, Ms. Ishita Bhole, for Petitioners.

CORAM: N.J.JAMADAR, J.

DATE : 5 OCTOBER 2026

P.C.

1. Heard the learned Counsel for the Petitioners.

2. These Petitions under Article 227 of the Constitution of India assail the legality, propriety and correctness of identical orders passed by the learned Member, Motor Accident Claims Tribunal, Thane, whereby the applications preferred by the Petitioners – Insurer, to implead the owner and insurer of another vehicle bearing No.HR-61-B-3455 as party opponents to the respective Claim Petitions, came to be rejected.

3. The substance of the applications preferred by the Petitioners was that the accident which resulted in death and injury to the passengers who were travelling in the Tata Magic Vehicle bearing No.MH-04/EX-2920 had occurred on account of the sole negligence of the driver of the container bearing registration No.HR-61-B-3455, and, therefore, the owner and insurer of the said vehicle were necessary parties to the claim Petitions.

4. Learned Member, MACT, was of the view that since it was a case of composite negligence, the claimants were entitled to sue both or either of the joint tortfeasors, and, therefore, the impleadment of the owner and insurer of the said vehicle was not necessary.

5. Mr. Vidyarthi, learned Counsel for the Petitioners, made an endeavour to drive home the point that the material on record does indicate that the driver of the vehicle, which was insured with the Petitioner, was not at all negligent and the accident had occurred on account of the sole negligence of the driver of the container bearing No.HR-61-B-3455. Thus, it was not a case

of composite negligence.

6. I am afraid to accede to the aforesaid submissions. It is well recognized that in case of composite negligence, the claimant is entitled to sue all or any of joint tortfeasors and recover the entire compensation as the liability of joint tortfeasors is joint and several. The determination of the extent of negligence between the joint tortfeasors even when both are impleaded is only for the purpose of their inter se liability, so that one may recover the sum from other after making whole of payment to the claimant to the extent it has satisfied the liability of other. Where the other joint tortfeasor is not impleaded, the joint tortfeasor who was made to satisfy the liability has to institute an independent proceeding against the said joint tortfeasor **(Khenyei V/s. New India Assurance Co. Ltd.**[1]).

7. In the case at hand, it is not in dispute that two vehicles were involved in a collision. The claimants have impleaded the Petitioner and owner of the vehicle which was insured with the Petitioner. The claimants in such a case cannot be compelled to implead other joint tortfeasors. In the event, the Petitioners are saddled with the liability, the Petitioner would be at liberty to invoke the remedies against the purported tortfeasors. Thus, the impugned orders passed by the learned Member, MACT, do not warrant interference in exercise of the supervisory jurisdiction.

1 2015 ACJ 1441 (SC)

8. The Writ Petitions, thus, stand dismissed.

(N.J.JAMADAR, J.)

Signed by: S.S.Phadke
Designation: PS To Honourable Judge
Date: 07/10/2026 18:52:52