

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

SUMIT
RAMESH
KARNIK

Digitally signed by
SUMIT RAMESH
KARNIK
Date: 2026.03.06
10:54:48 +0530

FIRST APPEAL NO.1377 OF 2024

Maharashtra State Road Transport Corporation
Thr. Divisional Controller, Raigad

... Appellant/
Applicant

Vs.

Vanita Nivrutti Tambe and Ors.

... Respondents

Mr. Nitesh Bhutekar a/w. Mr. Prathamesh Mandlik, Adv. for the Appellant
Mr. Abhijit Desai i/by Mr. Vasant More, Adv. for the Respondents.

CORAM : R. M. JOSHI, J.

DATED : 25th FEBRUARY 2026.

P. C. :-

1. Heard learned Counsel for the Appellant and learned Counsel for the Respondent finally at the stage of admission.
2. Being aggrieved by the Judgment and award dated 20th July, 2023 passed in M.A.C.P. No.137 of 2018 whereby claim filed by Claimant came to be allowed directing the Corporation to pay compensation of Rs.9,06,000/- with interest thereon @ 6% p.a. from the date of petition, till realization of entire compensation amount.
3. Learned Counsel for the Respondent/ MSRTC submits that the claim petition was not tenable for non-joinder of necessary parties. It is his further submission that the Tribunal has committed error in not

appreciating the evidence on record which really indicates that the rider of the motor cycle was solely negligent for the occurrence of the accident.

4. Learned Counsel for the Respondent supported impugned Judgment and order.

5. There is no dispute of the fact that on 12/11/2018 the accident has occurred involving S.T. bus bearing No. MH-20/BL-1579 and the motor cycle on which the deceased was pillion rider. Since the deceased was pillion rider, he could not be said to have been negligent in any manner whatsoever in occurrence thereof. Moreover, it is option of the claimant to file claim against both or any one of the joint tortfeasors. Thus, there is no substance in the contention that the claim filed by the claimant is hit by principle of the necessary parties.

6. As far as negligence on the part of the rider of the motor cycle is concerned, it becomes immaterial and hence this Court therefore finds no substance in the Appeal. In the result, I proceed to pass the following order.

: **ORDER** :

1. Appeal stands dismissed.
2. Statutory deposits be transferred to Tribunal for its disposal in accordance with law.

(R. M. JOSHI, J.)