



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3331 OF 2026**

The Transport Manager,
Thane Municipal Transport Undertaking ... Petitioner
versus
Kamlesh Thakorlal Panchal and Anr. ... Respondents

WITH
WRIT PETITION NO.3333 OF 2026

The Transport Manager,
Thane Municipal Transport Undertaking ... Petitioner
versus
Anil D. Utekar and Anr. ... Respondents

WITH
WRIT PETITION NO.3334 OF 2026

The Transport Manager,
Thane Municipal Transport Undertaking ... Petitioner
versus
Amiben Niravkumar Mehta and Ors. ... Respondents

Ms. Pinky Bhansali with Mr. Ganesh Bajpei, for Petitioners.

CORAM: N.J.JAMADAR, J.

DATE : 16 MARCH 2026

P.C.

1. Heard the learned Counsel for the Petitioners.
2. The challenge in these Petitions is to an order dated 29 November 2025 passed by the learned Member, Motor Accident Claims Tribunal, Thane, whereby the applications preferred by the Petitioner to drop the proceedings

against the Petitioner on the ground that the accident had occurred due to the negligence of the driver of the motor car bearing registration No.MH-02/AL-2742, and the driver of TMT bus was not at all responsible for the alleged accident, came to be rejected.

3. Learned Member was of the view that the question as to whether it was a case of composite negligence was required to be determined at the stage of final adjudication of the Claim Petitions.

4. Ms. Bhansali, learned Counsel for the Petitioner submitted that, from the available documents on record, an inference is inescapable that the accident had occurred due to sole negligence of the driver of the car bearing No. MH-02/AL-2742.

5. In the applications filed by the Petitioner, before the Tribunal, in paragraph No.9d, it is specifically averred that, on account of the sudden dash by the vehicle bearing No. MH-02/AL-2742, the steering of TMT bus bearing No.MH-04/G-8002 was locked and, therefore, the driver of the said bus lost control over the bus.

6. In view of the aforesaid contention, it is evident that the question as to whether it was a case of composite negligence, and which of the parties had the last opportunity to avoid the collision, would be a matter to be adjudicated at the conclusion of the hearing of the Claim Petitions. It is essentially a matter of evidence. Learned Member was, thus, justified in rejecting the

applications to drop the proceedings against the Petitioner. There is no legal infirmity in the impugned orders.

7. The Writ Petitions stand dismissed.

8. It is, however, clarified that all the contentions of all the parties are kept open for adjudication by the Tribunal.

(N.J.JAMADAR, J.)