



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 746 OF 2024

1. Vijay S/o Sakharam Nimgade,
Age 52 years, Occ: Service,
2. Sapna Vijay Nimgade,
Age 48 years, Occu. Housewife,

R/o Ward No. 15, Krida Sankul Marg,
Mul, Tah. & Dist. Chandrapur.

....PETITIONERS

...VERSUS...

1. Hiran Jitendra Gogri,
Age Major, Occu. Business,
R/o Ward No. 10, Near Ganesh Mandir,
Tadala Road, Tah. Mul, Dist. Chandrapur.
2. Tata AIG Gen. Insurance Co.,
through Branch Manager,
C/o 1st Floor, Swami Plaza, Mayur Hotel,
Patrakar Marg, Mul Road,
Tah. Mul, Dist. Chandrapur.

...RESPONDENTS

Mr. A. R. Rishi Advocate for petitioners.
Mr. H. N. Verma, Advocate for respondent no.2.
Nobody appears for respondent no.1, though served.

CORAM:- M.W. CHANDWANI, J.
DATE :- APRIL 01, 2026

ORAL JUDGMENT:

Rule. Rule made returnable forthwith. Heard finally by
the consent of the learned counsels appearing for the parties.

2. The petition challenges the order dated 22.07.2022 passed by the Member, Motor Accident Claims Tribunal, Chandrapur (for short, “the Claims Tribunal”) below Exh.16 in M.A.C.P. No. 57/2021, whereby the application (Exh.16) filed by respondent no.1 for directing the petitioners to add the owner and driver of another tractor bearing No. MH-34/BR-2262 cum trolley bearing No. MH-34/L-7459 in the claim petition was allowed.

3. Learned counsels for the both parties have agreed to the common ground that, present case is covered by the decision of the coordinate Bench of this Court at Nagpur in ***Writ Petition No. 7806/2022 (Mohd. Salim Mohd. Ibrahim Sheikh and another Vs. Hiren Jitendra Gogri and another)***, decided on 30.04.2024.

4. The claim petition in which the impugned order has been passed arises out of the same accident which was the subject matter in W.P. No. 7806/2022. The said writ petition was filed by the other claimants challenging the order passed by the Claims Tribunal on application (Exh.19) filed by the claimants for impleading the driver and owner of the other tractor and trolley as party to the claim petition. The learned Single Judge, relying on the decision of the Supreme Court in the case of ***Khenyei Vs. New India Assurance Company Limited and others [(2015) 9 SCC 273]***, allowed the petition and quashed and set aside the order passed

by the Claims Tribunal.

5. On going through the record as well as the decision relied upon by the parties, it appears that, the present petition is covered by the decision in Writ Petition No. 7806/2022. Therefore, the present petition deserves to be allowed.

6. Accordingly, the Writ Petition is allowed.

7. The impugned order dated 22.07.2022 passed by the Member, Motor Accident Claims Tribunal, Chandrapur below Exh.16 in Claim Petition No. 57/2021, is hereby quashed and set aside. Consequently, the application (Exh.16) is rejected.

8. Rule accordingly.

(M.W. CHANDWANI, J.)