

Order below Ex.15 & 16 in MACP No.536/2023

Read the Application.

Heard the learned advocate of main petitioners as well as present applicant.

Present applicant applied to join her as the party being the widow of the deceased and also demanded to appoint her as the guardian of the minor applicant No.4 and No.5 being the mother of them.

Learned advocate of main petitioner objected it stating legal divorce of the present applicant and having custody of the minor before present petitioner No.1 to 3.

On perusal of the decision of Bombay High Court in Case Title – The Iffco Tokio General Insurance Company Ltd. v. Bhagyashri Ganesh Gaikwad. *Citation: 2023 LiveLaw (Bom) 176 held that Widow remarriage, not a ground to deny compensation under Motor Vehicles Act. The same ratio is laid down in the wordings of “Re-Marriage Of Widow Is Personal Choice, Not Ground To Deny Compensation Under Motor Vehicle Act: Punjab & Haryana High Court in case of Reliance General Insurance Co. Ltd. v. Rajni and others And Shakuntla and another v. Manjeet and others Citation: 2023 LiveLaw (PH) 240.* thus, considering the decisions and the minors are present with the present applicant, both applications are allowed.

The objection raised by the main petitioners is rejected.

Necessary amendment to be made in main claim petition.

A copy of amended petition to be served on opposite party.

No order as to costs for this application.

A copy of this order to be kept under both the Exhibit.

Dt.30/4/2024

Place – Bhuj – Kutch

(Shilpa Mansukhlal Kanabar)
8th ADJ Auxi MACT Bhuj-Kutch
Code-GJ00814