

**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL
(AUXI.-7) VADODARA AT-KARJAN.**

M.A.C.P. No. 268 of 2020

Order Below Exhibit-15

Applicants :- Chandra @ Chetanprasad Nandaram Sharma

Versus

Opponents :- New India Insurance Co. Ltd.

- 1) This application is moved by the Insurance Company seeking relief to join the driver, owner and Insurance company of the other vehicle involved in the accident.
- 2) Ld. Advocate for the claimant vehemently opposed this application. He submitted that injured was traveling as a passenger, while he met with the accident. So, he may file a claim against any one of the offending vehicle. With this submission, he requested to reject this application.
- 3) Having heard the arguments of Ld. Advocate for the claimant, I have perused the application and other materials on record. From the above all, it seems that alleged an accident was made between truck and luxury bus. The injured was traveling in luxury bus, while said bus met with an accident. He joined the owner, driver and insurer of the offending truck. However, applicant has not joined owner, driver and insurer of the luxury bus. Therefore, this application is moved by the Insurance Company of the truck and seeking relief as stated above.

4) In view of above, I am of the view that applicant is master of his claim petition. Applicant's case falls in the composite negligence. In view of the judgment delivered by the Hon'ble Supreme Court in the case of ***Khenyei vs. New India Assurance Co. Ltd. 2015(9) SCC 273***, the injured in the case of composite negligence may file a claim against any one of the vehicle. Therefore, I am of the view that this application deserves to be dismissed.

5) Accordingly, this application stands dismissed.

Pronounced in open Tribunal on 16th December, 2025.

Date : 16/12/2025
Vadodara @ Karjan.

[SDP]

(MANOJ BHAILALBHAI KOTAK)
M.A.C. Tribunal (Aux.)
Vadodara @ Karjan.
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