

**Order Below Exh. 19**

(dated: 31/10/2023)

01. This is an application by opponent No.2 for deleting his name from the array of opponents. The opponent No.2 came with the case that as per the pleading of applicants and the FIR, the accident was occurred on 02/11/2016 wherein motorcycle No.MH-28/AD-8921 was involved. On such date of accident the said motorcycle was owned and possessed by the opponent No.1 Punjabrao Harishchandra Solanke. Subsequently, on 15/03/2017 he has purchased the said motorcycle bearing No. MH-28/AD-8921 from the Punjabrao Harishchandra Solanke, which can be seen from vehicle particulars issued by the RTO, Buldana. Accordingly on the day of accident neither he was the owner nor possessor of the motorcycle bearing No.MH-28/AD-8921. Therefore, he is no way concerned with the accident dated 02/11/2016, but erroneously he has been added as a opponent No.2 therefore, his name have to be deleted from the array of the opponents.

02. Say was called from the claimant but instead of availing long period, the claimants failed to file say hence, application proceeded without their say.

03. Heard Advocate Mohd. Abid Mohd. Hanif (Shaikh) for the opponent No.2. He argued on the line of his application.

04. I have gone through the record and more specifically the documents filed by the applicant along with Exh.3 and the documents filed by the opponent No.2 along with Exh.21. From the FIR it is very much clear that the accident was occurred on 02/11/2016 wherein motorcycle No.MH-28/AD-8921 was involved. Further from the vehicular particulars produced by the opponent No.2 it become clear that the said motorcycle bearing No. MH-28/AD-8921 was transferred in his name on 15/03/2017. As such on the day of accident that is on 02/11/2016 the opponent No.2 was no way concerned with the accident, therefore, array him as a opponent is not justifiable. Hence, I found the merits in the application and proceed to pass following order.

ORDER

The application is allowed as under,

1. The claimants shall delete the name of opponent No.2 Ayub Khan Usman Khan from the claim petition.

Date: 31.10.2023.
Place: Khamgaon

(Laxmikant A. Bidwai)
Member, M.A.C.T.
Khamgaon.

Certificate

I affirm that the contents of this PDF file order as correct word to word as per the original order .

Name of the Court : Adhoc District Judge1., Khamgaon.

Name of steno and designation : C. N. Mahale, Stenographer (Grade-2)

Uploaded Date : 31/10/2023